DOCUMENT RESUME

ED 055 707	RC 005 657
TITLE	Are You Listening, Neighbor? Report of the Indian Affairs Task Force.
INSTITUTION	Washington State Indian Affairs Task Force, Olympia.
PUB DATE	71
NOTE	110p.
EDRS PRICE	MF-$0.65 HC-$6.58
DESCRIPTORS	*American Indians; *Attitudes; *Civil Rights; Cultural Factors; Educational Disadvantagement; History; Housing; Legislation; *Socioeconomic Influences; *State Action; Welfare Services; Zoning
IDENTIFIERS	Washington State

ABSTRACT

As stated, this Indian-prepared document deals with relations between Washington State and her Indian citizens (estimated to be over 25,000) and contains Indian thinking, views, and opinions. The 14 chapters deal with such topics as national Indian policy, the cultural clash, jurisdiction on the reservation, zoning on the reservation, tribal fishing rights, Indian water rights, employment and economics on the reservation, public assistance, health, education, and housing. Incorporated in most of the chapters are recommendations of the Indian Affairs Task Force, a joint task force of the Governor's Advisory Council on Urban Affairs and the Governor's Indian Advisory Committee. The appendixes include discussions of tribal sovereignty, Indian citizenship, and taxation. Also appended are excerpts from the Treaty of Point Elliott (1855), Task Force legislative proposals, Federal and state Indian legislation, and lists of tribal leaders and Indian organizations. (JB)

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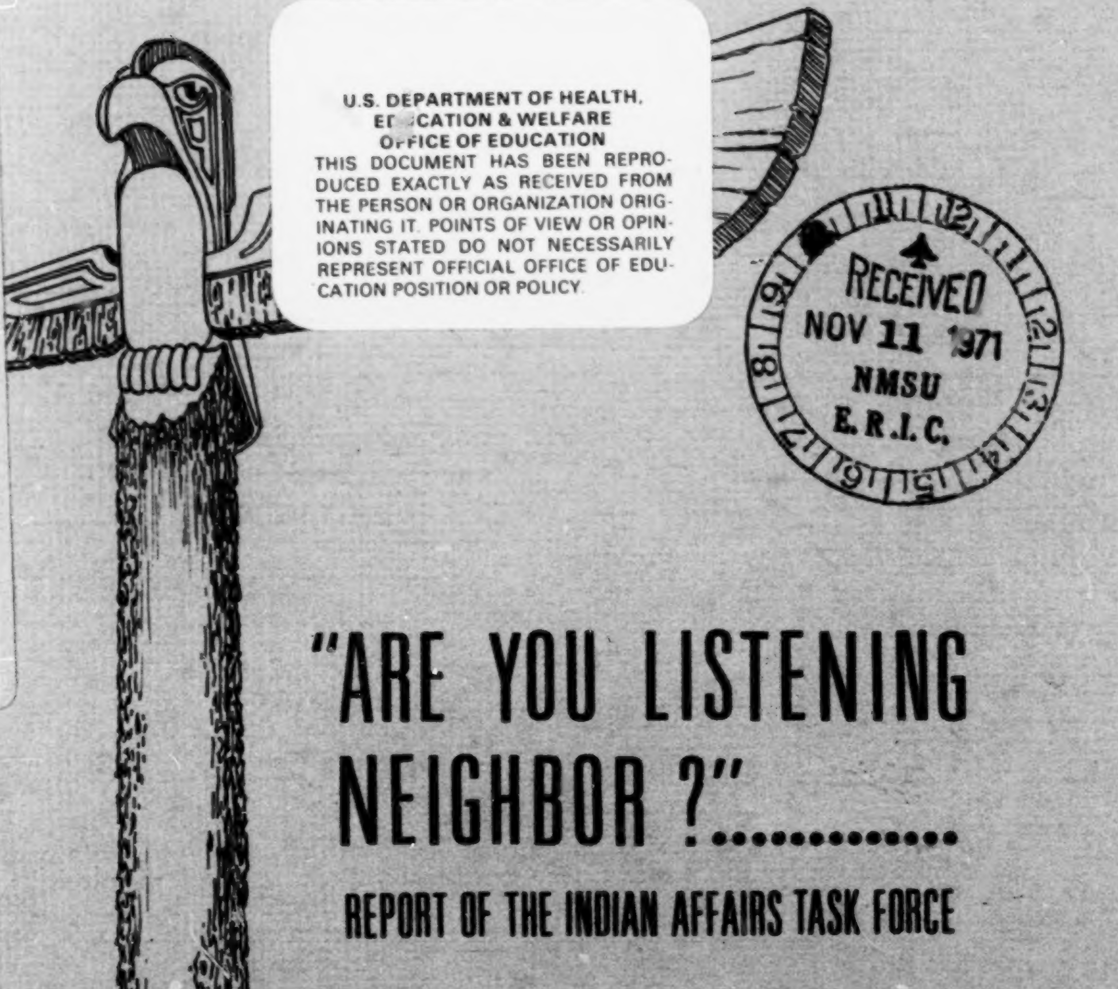

"ARE YOU LISTENING NEIGHBOR ?"..............

REPORT OF THE INDIAN AFFAIRS TASK FORCE

1971

RC 005657

ARE YOU LISTENING, NEIGHBOR?

Report of the Indian Affairs Task Force

A JOINT TASK FORCE OF THE GOVERNOR'S ADVISORY COUNCIL ON URBAN AFFAIRS

AND THE GOVERNOR'S INDIAN ADVISORY COMMITTEE

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FRANK H. BESTOR, Executive Director
WILLIAM R. JEFFRIES, Coordinator
ROBERTA MINNIS, Administrative Interne

STATE OF WASHINGTON - DANIEL J. EVANS, GOVERNOR

INDIAN AFFAIRS TASK FORCE

MEMBERS

WAYNE WILLIAMS, Task Force Chairman, is also Chairman of the Governor's Indian Advisory Committee. Active in Indian affairs, he is Business Manager of the Tulalip Tribes.

ALFRED McCOY, a Task Force Vice-Chairman, represents the Spokane Tribe. Currently the Secretary of the Spokane Tribal Council, he has been a Council member for a number of years.

ROY GEORGE, a Task Force Vice-Chairman, is the representative from the Small Tribes Organization of Western Washington located in Federal Way. He is a Nooksack Indian and Chairman of the S.T.O.W.W. Board.

HILDA BRYANT, Racial and Social Specialist on the staff of the Seattle Post-Intelligencer, is the author of a series of articles published last year by the State Office of Public Instruction in a pamphlet called The Red Man in America.

REVEREND THOMAS CONNOLLY, Director of the Pacific Northwest Indian Center in Spokane, has been active in Indian affairs for years and instrumental in publishing the Northwest Indian Times, an Indian newspaper which is the instrument of the Spokane, Coeur d' Alene, and Kalispel Tribes.

A. LUDLOW KRAMER, Secretary of State, as Chairman of the Governor's Advisory Council on Urban Affairs and the Commission on the Causes and Prevention of Civil Disorder, has been active in "people problems." He enthusiastically committed his personal time to the Task Force, talking and working with the Indian people of the State.

JOE MENINICK, Yakima Tribal Council member, represents the Yakima Tribe on the Governor's Indian Advisory Committee. He brings to the Task Force years of Tribal Council leadership and experience.

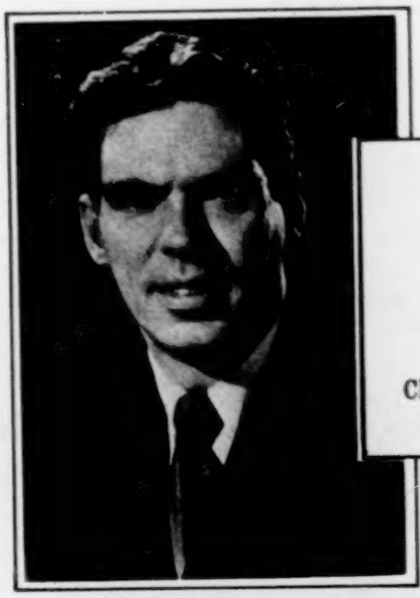
ALVIN ZIONTZ, a Seattle attorney, is associated with a law firm that serves the Makah and Lummi tribes.

STAFF

FRANK H. BESTOR, Acting Executive Director of the Governor's Advisory Council on Urban Affairs, served as Coordinator for the Task Force until October of 1970 when he became the group's Acting Director. He has worked closely with many Indian organizations since completing course and foreign language requirements for a Ph.D. degree in Political Science.

WILLIAM R. JEFFRIES, Governor Daniel J. Evan's Special Assistant for Indian Affairs, coordinated the Task Force activities with those of the Governor's Indian Advisory Committee. He was graduated from the University of Washington with a Master's degree before he came to the Governor's Office. Of Indian heritage, he is an Executive Board Member of the Governor's Interstate Indian Council as well as a member of many other national and state organizations.

ROBERTA MINNIS, formerly Miller, is a Colville Indian. Graduated by Washington State University, she was an Administrative Intern with the Urban Affairs Council and served as the Executive Director of the Task Force until October of 1970.



A. LUDLOW KRAMER

Secretary of State

Chairman, Governor's Advisory Council on Urban Affairs

"What's the point of an Indian Affairs Task Force?" First, *the point was people*. The Governor's Advisory Council on Urban Affairs research leading to the report of the Commission on the Causes and Prevention of Civil Disorder, *Race and Violence in Washington State*, showed the Indian people of the State to be on the low end of virtually every scale reflecting attributes such as education, life expectancy, employment, and health. The Council hoped to be able to help develop solutions, and help implement those solutions.

Second, *the point must be people*. Governments are created to serve people and people must participate in their own government or suffer the possibility of having their interests ignored or, at best, expressed by others. Citizen participation is a vital part of government. This Task Force as an expression of this participation serves as a window through which Indian people can be seen one way and through which they can be heard the other way. Because the Indian people and their concerns are little known to the majority of our citizens, the Urban Affairs Council hopes to be able to help give expression to, or megaphone the Indian expression of, Indian concerns.

Third, *the point is people*. The Council adopted a general goal and ten implementing policies which we asked the State Legislature to adopt as the goal of State Government. The goal simply stated is the improvement of "the well-being and life style of all the people of this State," and one of the policies designed to achieve this goal is the alleviation of the social isolation of minority groups. Improvement for the Indian people can come when the individual Indian's social and physical environment maximizes his opportunities to take advantage of these environments. The Task Force was created with an Indian majority and each phase of the Task Force effort was coordinated with all the tribal governments in the State because Indian people themselves can best identify their own circumstances and aspirations and conceive the programs to benefit individual Indian lives.

Secretary of State

WAYNE W. WILLIAMS

Chairman, Governor's Indian Advisory Committee

Business Manager, Tulalip Tribes

The Indian Affairs Task Force was an idea conceived by Indian thinking and given assistance and support by the Urban Affairs Council, especially Secretary of State "Lud" Kramer.

The thought of another committee to investigate "Indian Problems" was not our inspiration and not what we saw our Task Force as doing. We Indian people have probably been the subject of more investigating committees than any other people in history!

The difference between our effort and those of previous committees would be that our committee, or Task Force as we later came to call it, would turn in a report that contained Indian thinking, views, and opinions. An Indian report by Indians is absolutely necessary because, for far too long, we have been misunderstood by our white neighbors. It is not surprising to us how prevalent today are old or stereotype concepts about Indians.

A word of caution is in order, however, before our report is accepted as the last word about Indians. Over two dozen tribes are located in the State and the reader must not make the mistake of attempting to apply general statements in the report to a specific Indian community. The tribes in this state represent a rich diversity, not only in past history and culture, but also in their methods of attaining their own goals.

The report remains valuable though because, in a time of social change and unrest, understanding of the differences that separate people must be sought. It is my hope that our report will, in some measure, provide some of that understanding.

Wayne W. Williams
CHAIRMAN

PREFACE

The concept of the Indian Affairs Task Force originated with Mr. Wayne Williams, Chairman of the Governor's Indian Advisory Committee. To the Secretary of State, who had invited Mr. Williams to a planning conference for the formation of a "Rural Affairs Commission," Mr. Williams expressed need for a separate Task Force to unite urban oriented leaders with the Governor's Indian Advisory Committee in seeking solutions to the specific problems which face the rural and reservation Indian. In the weeks that followed, it became obvious that many Indian leaders shared his view that Indian concerns would be submerged under the more dominant agricultural interests of a "Rural Affairs Commission" in which Indians would not be the majority group.

The staff of the Governor's Advisory Council on Urban Affairs proposed an Indian Affairs Task Force composed of Urban Affairs Council members and Indian leaders from all over the State. The original projection was rejected, however, because of the inability of a small group to adequately face the problems of both rural and urban Indians in the span of six to twelve months. Consequently, the decision was made that the Task Force would be organized to focus upon rural and reservation Indian concerns the first year, while the urban Indian situation would be highlighted at a later time.

During the process of negotiating for the formation of the Task Force, the Council's staff learned that many Indian problems, while similar to the social and poverty problems of the migrant population and other minority groups, were unique because of the special status of the Indian people. Historically and legally Indian people are not just like all other people. To treat an Indian equally may be to discriminate against him by ignoring his legal rights. Also, the staff became aware that there were too many non-Indian "Indian experts" who, unchallenged except by Indian people, reportedly had no contact with tribal leadership but told the world what was good for Indians.

Every attempt was made to meet Indian concerns during the formation of the Indian Affairs Task Force. The majority of the Task Force members and staff are Indians. The Chairman and two Vice-Chairmen are Indian and are among the four members appointed to the Task Force by the Governor's Indian Advisory Committee. Four additional members were appointed and approved by the Urban Affairs Council. Many Indian Leaders sat in on meetings and fully participated in Task Force activities.

The Task Force was first called to order in early June. Since that time it has held many meetings and conducted a series of eight hearings, seven on the major Indian reservations in the State. All but two of the hearings were all day meetings in which the Task Force listened to and questioned Tribal Council members in the morning; government personnel from the county, state, and federal levels during the afternoon; and the Indian public during the evening session. One tribe requested that the public not be invited and one tribe wanted no invitations extended to public officials.

Many Indian leaders participated in the Task Force hearings. Gene Parker, a Makah Indian leader, is active in Indian affairs on the state and federal levels; Babtist Lumley, a Yakima Indian leader, provided expertise in the social services area; and Cliff Wilson, Chairman of the Cowlitz Tribe, spent many days with the Task Force and effectively spoke up for the interests of the small tribes.

Several Indian leaders have been particularly active in the legislative follow through activity of the Task Force. They include Robert Jim, Chairman of the Yakima Tribal Business Council; Roger Jim, Chairman of the Yakima Tribal Political Action Committee; Jim Jackson, Quinault Tribal Chairman; Joe De La Cruz, Quinault Business Manager; and Mel Tonasket, Colville Business Council member and strong advocate of Indian self determination.

This report was created over the period of many months. Begun during the summer of 1970, it was completed in January of 1971. The report is neither a complete treatise on Indians nor a report issued solely to government agencies. Cognizant of the need to let "the people" know Indian concerns, the Task Force wanted professional help in writing its report. But the group wanted to maintain Indian authorship.

The problem was solved by requesting the help of a Task Force member, Mrs. Hilda Bryant, whose writing skills are superb. Mrs. Bryant prepared a series of drafts representing proposed chapters for our report. The Task Force held many meetings tearing into these documents and suggesting changes - e.g., new perspectives on problems that occurred to members after they saw their ideas in print. These suggestions were incorporated by Mrs. Bryant into redrafted chapters which were in turn circulated to all the tribal chairmen in the state and to the Representatives of the Governor's Indian Advisory Committee in addition to the Task Force membership. The comments solicited were used to prepare the final report. In summary, Mrs. Bryant can be praised for the literary worthiness, the Task Force members and Indian tribal leaders for faithfulness to the Indian perspective, and Mrs. Bryant, again, for strenuously arguing for balance and accurate presentation.

Considerable time was taken to pull the many drafts of chapters together into a report. Mike Botkin, who proofread the report and made many constructive suggestions, helped me with this task. Not to be forgotten are Carrol Simmons and Rita Pickens who did a fine job of typing the report for publication under trying circumstances, and Jack Moody who prepared the copy for printing. Also to be recognized are other persons who helped at various times with portions of the report: Mrs. Gladys Brown, Mrs. Jean Long, Mrs. Peggy Wortman, Miss Jane Klassen, Mrs. Renate Taylor, Mrs. Jackie Delahunt, Miss Sarah Raymond, and Mrs. Ramona Seely.

Many state and federal offices extended extreme cooperation. High on the list are the Portland Area and Washington Agency offices of the Bureau of Indian Affairs, United States Solicitor, and Indian Health Services and the Washington State Attorney General's office and the Office of Economic Opportunity.

In closing and before you read the report, the poem below, written by Terry Linn, a student at Centralia College, is offered.

They were proud of their way
Something like you.

Why did we burn them,
turn them away?

Is the way that they
feel caused by us?

They were proud...

Is the way they feel
the prelude to our fall?

We were proud...

Frank H. Bestor
February, 1971

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CHAPTER ONE

NATIONAL INDIAN POLICY: ACT 37

In an unprecedented message to Congress on July 8, 1970, the President of the United States renounced America's traditional Indian policy and declared that white Americans have "oppressed and brutalized Indians, deprived them of their ancestral lands and denied them the opportunity to control their own destiny." The President described the American Indian as "the most deprived and isolated minority in our nation by virtually every scale of measurement" and added:

> But the story of the Indian in America is something more than the record of the white man's frequent aggression, broken agreements, intermittent remorse and prolonged failure. It is a record also of endurance, of survival, of adaptation and creativity in the face of overwhelming obstacles. It is a record of enormous contributions to this country -- to its art and culture, to its strength and spirit, to its sense of history and its sense of purpose.

The President announced, to the surprise of this nation's 650,000 Indians, that it is "long past time that the Indian policies of the Federal government began to recognize and build upon the capacities and insights of the Indian people." He then asked Congress to pass legislation which would permit the Indians to take personal control of their own affairs and to be represented in federal courts by an independent legal counsel committed to defending Indian rights against federal encrouchment.

The government Indian policy so decisively rejected by the currant Administration is "forced termination." Termination was a long-range goal aimed at extinguishing the historic and legal relationship existing between the Federal government and the Indians. Termination meant the loss of the special standing under Federal law in which Indians lands are tax-exempt. It meant repudiating Federal responsibility for the economic and social well-being of the tribes. Termination of such trusteeship also meant the extinction of tribal identity and full assimilation of Indians into the majority culture.

When the President urged Congress to repudiate its own action of 1953, House Concurrent Resolution 108 which declared that termination was the long range goal of Federal Indian policy, he was echoing a unanimous Indian demand for basic policy reform. It was a sweeping Presidential gesture. The psychological impact should not be dismissed lightly. But to a half million American Indians it must have sounded like the needle had once again stuck on that ancient breach in the record.

The 37th President of the United States has spoken as have the 36 Presidents before him. Thirty-nine Secretaries of the Interior have appointed 40 Commissioners of the Bureau of Indian Affairs who have traveled the land "learning the problems" and then waited until the next President appointed a new Secretary of the Interior to appoint his new Commissioner of the BIA to once again "learn" about the Indian problems.

Yet, with the white man on the moon, the red man still awaits the fulfillment of the 19th Century treaty promises negotiated with some 17 Indian tribes in Washington State alone.

The Indians are aware, as the average white is not, that the President and Congress have authority only over Federal Indian policy. The President may cry out against termination but he is powerless to stop the insidious forms of *de facto* termination being practiced daily by the State of Washington. Although more subtle, these practices are threatening the very survival of this state's first citizens.

De facto termination refers to practices that were not intentionally designed to eliminate Indian tribal identity but which effectively accomplish that end despite what are often innocent or even noble motives. Sometimes *de facto* termination disguises itself with popular slogans like "Save Our Environment" and with IN-terms of the decade such as "Integration", "Equality", "Conservation" and "Ecology.

But conservation to the sports and commercial fishermen too often is interpreted as "stop the Indian from catching my salmon and steelhead." Integration may mean transporting Indian children off the reservation to a predominantly white school where they lose their Indian identity and succumb to cultural rape. Equality may mean forcing an individual Indian to sell his precious ancestral land allotment and thereby reduce the tribal land base in order to qualify for State Public Assistance.

Termination, *de facto* or deliberate, is wrong, said the President, because it rests on a fallacious premise. It implies that the Federal government has taken on a trusteeship responsibility for Indian communities as an act of generosity toward disadvantaged people and that it can therefore discontinue this responsibility on a unilateral basis whenever it sees fit! This is not true. The President explained:

> The unique status of Indian tribes does not rest on any premise such as this. The special relationship between Indians and the Federal government is the result instead of solemn obligations which have been entered into by the United States Government. Down through the years, through written treaties and through formal and informal agreements, our government has made specific commitments to the Indian people. For their part, the Indians have often surrendered claims to vast tracts of land and have accepted life on reservations in exchange for government provided services such as health, education and public safety. Services that would presumably allow Indian communities to enjoy a standard of living comparable to that of other Americans. This goal, of course, has never been achieved.

The President told Congress on July 8, 1970, that this nation h "turned from the question of whether the Federal government has a responsibility to Indians to the question of how that responsibility can best be fulfilled." But it was an optimistic statement. The masses of non-Indian Americans, and not exclusively those of the majority white culture, harbor a lingering tendency to view the American Indian as the descendant of aboriginal savages who lost the Indian wars. That makes them conquered subjects in this viewpoint. It's a concept that invites the erroneous description of Indian reservations as "concentration camps." Such misconceptions are based upon a pervasive ignorance of American history. It is particularly inaccurate when applied to the Indians of Washington State, most of whom *reserved to themselves* portions of their own ancestral lands and ceded the rest, without the coercion of war, at a time when the Indian outnumbered the white man and dealt from a position of strength.

Although the Northwest Indians were not at war with the United States, treaty negotiations between the Chiefs of the Northwest tribes and Governor Isaac Stevens were hardly carried out in mutual good faith. Stevens insisted on dealing only through the Chinook jargon, a crude hybrid of the Indian dialect and English that was totally inadequate for such strategic negotiations. In some cases the Indians actually didn't understand what they were agreeing to, in other cases they were just too unsophisticated to counter the manipulative skill of the white politician. Either way the Indians lost, but they were not conquered subjects nor human plunder which fell to the white man along with his conquest of the land. The American Indian was made a full United States Citizen in 1924 and, by virtue of the XIV Amendment, a citizen of this state.

Is there legal or moral justification for permitting Indian separateness? Why should any group of Americans be treated as sort of "supercitizens" and allowed to exist as an undissolved lump within the great American melting pot? Why should an accident of birth extend unique privileges to the descendants of those Original Americans with whom the treaties were made? Such questions gnaw at the minds of many non-Indian Americans and, unanswered, spawn attitudes of resentment that often are expressed in subtle and overt acts of discrimination.

Since this document is committed to dealing with relations between Washington State and her Indian citizens, let's look first to Article XXVI of the Washington State Constitution for legal justification of the special status of Indians. Article XXVI states:

> That the people inhabiting this state do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries of the state, and to all lands lying within said limits owned or held by any Indian or Indian tribe; and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the congress of the United States.

This disclaimer amounts to state recognition of the legal and moral validity of the federal negotiated treaties. Federal law recognizes Indian tribes as self-governing, culturally autonomous units within the American legal system. American common law and federal law recognize the right of such bodies to exercise internal self government and to legislate for internal purposes. The United States has a national trust at stake in this tradition. Our nation honors its commitments and treaties with foreign nations. The commitments to American Indians tribes and nations are just as binding, both morally and legally, as any international treaty.

But separatism in the American body-politic makes many uncomfortable. Separatism has been tolerated in the case of the American Indian simply as a transition phenomenon. Practically all non-Indians have viewed this state of affairs as the cultural lag inevitable while a primitive population acquires the graces of white, Anglo-Saxon, Protestant respectability. We were willing to wink at Indian isolationism temporarily, but the Great American Dream stressed full equality and total integration and there was no room in the dream for permanent separatism.

Why should the idea of a racial minority existing in exclusive conclaves in our midst be so threatening to us? Just as the ability of a nation to tolerate political dissent without resorting to undemocratic repressions is a measure of that nation's maturity, so a state's ability to tolerate gracefully separate cultural communities within itself is an indication of its maturity.

The melting pot philosophy was a convincing idea. The only trouble with it was: it didn't work. The blacks never melted into the mainstream. The Mexican-Americans lumped themselves together in barrios and refused to bubble with the proper accent when the heat was applied. But the Indian has been the most resistant lump of all. The red man has persistently thwarted every effort to stir him into the broth. The Indian has refused to be assimilated.

The right to maintain a separate way of life is a basic treaty obligation of the United States towards the Indians. But the right to preserve one's identity as a people should be viewed as a basic human right. For many groups in America this freedom can be exercised without a special land base and without special legal status. But Indians are historically place-oriented rather than job-oriented. Their identity is tied inextricably to the land and to the water that arises from or laps upon the shores of that land. They feel strongly that the preservation of their land base is a precondition of their existence as a people. For more than a hundred years the Indians in Washington have developed and maintained their separate way of life.

The Bill of Rights spells out the basic nature of our democracy and the relationship between the citizen and his government. For the American Indian, survival as an Indian is as basic as individual freedom is to the rest of us. The ancestors of the Indians of Washington State forever surrendered their power to the United States in exchange for protection of their right to exist as a people. They did not bargain for, nor did the United States contract for, a training program in assimilation into the white society. The President said the goal of any new national policy toward the Indian people must be to strengthen the Indian's sense of autonomy without threatening his sense of community. To assure the Washington State Indian that he can assume control of his own life without being separated from tribal life involuntarily, must also be the Indian policy of the State.

CHAPTER TWO

THE CULTURAL CLASH

Non-Indian Americans need to recognize that the cultural heritage of the native American does not easily fall into the mold designed for a society that cherishes the values of the traditional Protestant Ethic. Indian programs must be in harmony with Indian cultural traditions, and that means that what is good for Boeing is not necessarily good for the Indians. The state must also recognize that the undeniable thread of "Indianness" that binds Washington tribes as a distinct race is less striking than tribal diversity. What the Washington Coastal Indians want and need for their tribe may not be at all what the Eastern Washington Plateau Indians need or want.

But most difficult for the non-Indian to understand and accept about his red brother are the nuances of the cultural clash. White society is built upon and revolves around the concept of competition. White Americans are recognized for what they do rather than for who they are. An American becomes "who he is" because of "what he does." There is no American line of royalty. There are no white hereditary chiefs. Achieving is basic to the American Dream. Winning status, winning fame, winning wealth, winning the coveted level on the social ladder begins in kindergarten where the competitive stance is imposed upon the American child through the concerted efforts of teacher and parent.

To the Northwest Indian, such pitting of brother against brother within the extended Indian family of the clan or band was opposed to everything he believed in. Within these groupings of clans and bands, they lived communally, sharing everything. Although there was no competition within the extended family, there was intense competition between Indian tribes. But this competitiveness was quite unlike modern expressions of competition within white society. The Indians formalized their competition. These patterned, stylized forms of Indian competition, such as the ritual of the Potlatch, were mostly destroyed by the white man and the Indians have not generally replaced these lost cultural forms with the forms of competition patterned by white society.

But the White-Indian cultural clash is even more complete. The attitude of Americans toward nature has been described by one scholar as, "a culture that has a fear of nature until it can subdue it and a contempt for it once it has been subdued. An unwarranted pride that allows man to see himself as the largest thing on the landscape after he has cut down all the trees." The Indians think of themselves as participating with nature in the cycle of life. They hold for nature a respect and reverence that is spiritual. To the Indian his land is sacred. To attempt to subdue or subvert the natural world is to him sacrilege. He understands the vital interdependence between man and his natural environment. The Indian believes strongly that the white man has distorted his perspective and reaped disastrous consequences. The Northwest Indian looks at the white man's power plants damming up the spawning grounds of the prized Chinook salmon; he sees the pollution pouring into his ancient waterways from the smelly pulp mills, he stares aghast at the scars of superhighways ravaging the beauty of the land he ceded to his white brother and he is profoundly saddened. Small wonder that when the Washington State Fisheries official arrests him for threatening the conservation of natural resources, the Washington Indian regards that official with barely disguised contempt. The Indian knows that his people have enjoyed a rapport with their physical environment neither shared nor understood by the white man.

And when the Indian, choosing what appears to be the only alternative to oblivion, assumes the ways of the white man, he does it knowing that he will not be permitted to walk in both worlds. When he enters the competitive economy and strives to make it in the white man's world, he must repudiate his tribal value of sharing with others. What the white man calls thrift, the Indian translates stingy. Ambition in the white culture is arrogance and egotism in Indian country. Such conflicts often force the off reservation "successful" Indian to suppress or even reject his ethnic identity. He then becomes a marginal man, being pulled apart between two cultures; and when coerced into resigning his Indianness, it can seem to the Indian that he is being commanded to walk after his legs have been cut off.

The psychological trauma induced by this ambivalence often spawns a deep hostility toward all of society. It is little wonder that with some Indians this inner conflict is revealed in alcoholism and sometimes even in an alarming suicide rate that was never known before. Other Indians may turn their frustrations inward and embrace poverty. Alcoholism is a severe problem among some Indian tribes in Washington State and reaches into the ranks of Indian youth. Although there is insufficient data on Indian alcoholism in the Northwest, several tribes in the State have sought federal funds to subsidize alcohol rehabilitation programs and several tribes forbid the sale of liquor on their reservations. The popular Indian Shaker Church teaches total abstinence. Other native religious movements involve the ritual use of natural drugs. The most consistent thing about Indian tribes is their inconsistency. Alcoholism is not a universal "Indian problem."

There is no single "Indian problem." Indian tribes in Washington State are as varied and unique as are Washington cities, counties and other white communities. Each tribe practices its own customs, many are as intriguing to other tribes as they are to the non-Indians who eagerly seek Indian entertainers for their special programs. The Interior Salish people moved in yearly cycles to every niche in their territorial limits, hunting, gathering special roots and fishing. These East-of-the-mountains Indian tribes taught their children to reject the lifestyle of wealth, potlatches and slavery which characterized the early history of Washington's Coastal tribes. The languages of the Washington tribes differ, their tribal dances and songs differ, their religions differ and their art forms differ. The non-Indian has a tendency to think of the Indian "house" as a teepee. But in Washington State, the plateau Indians often lived in underground lodges in winter and mat lodges in summer, while the Coastal Indians lived in sumptuous longhouses in winter and often in summer encamped along their fishing streams. Coastal Indians were weavers of dog hair and used the loom earlier than any other known human on the continent. Indians of the State's plateaus hand-wove reed mats and baskets and made unique porcupine quill jewelry.

Just as their arts, traditions and lifestyles differed, so did their problems. And it is the same today. The State must recognize differences between Indian tribes and seek to meet the needs of each tribe on an individual basis. The State cannot solve "the Indian problem" with blanket policies nor should it condemn all Indians for the obvious problems exhibited by a few.

There are other areas of cultural conflict between the white and the Indian. The non-Indian culture is an expression of an abstract, numismatic or coin-oriented, mercantile system. The Indians have always dealt in the concrete and consumable.

This means that an Indian will more quickly grasp that which he can see, that which is here and now, and forego the delayed gratifications so cherished by his white brother steeped in the Protestant Ethic. This difference has been most graphically illustrated by those unfortunate tribes who have accepted money for their trust lands, only to discover that cash evaporates and only land is permanent. This painful lesson has been well learned by Washington Indians who will take up arms today to defend their land base and their historic rights to waters, fish and tidelands.

It also means that he is tuned to thinking intuitively and not analytically. This puts him at a distinct disadvantage in a predominantly white culture. He traditionally learns through experience, but in the white public school -- and there are no federal Indian schools in Washington -- he is expected to share the white child's enthusiasm for trying anything once and showing exhuberant curiosity about everything. The Indian child learned at home that it is impolite to manifest curiosity in the presence of an adult. Yet the entire motivation in the white classroom is curiosity. The teacher hopes to trigger childish questions but questions do not spring easily from the lips of the Indian student nor is he eager to display his knowledge of the answers before his peers. The Indian child who lives in what has become an essentially noncompetitive culture will often pretend he doesn't know the answer in order to save face for a classmate who has been embarrassed by failing to respond to the teacher correctly. Further, he may be punished by the other Indian students for being a "white Indian" if he shows an eagerness to supply answers in class. To become like a white man is to become a social climber.

The high cost of this aspect of the cultural clash is revealed in the shocking school drop-out rate of Indian youth. The national average is 42% and, with exceptions on some reservations, that figure is representative of Washington Indian school children. And in this state, when an Indian youth makes it all the way through high school, he is more likely than not to drop out in his first year of college because of the compounded problems of the rural-urban sophistication gap as well as cultural and academic differences.

An outlet for some of the suppressed hostility that cultural clash manufactures within today's Indian youth are the occasional demonstrations of Indian militancy such as the siege of Fort Lawton and repeated fishing confrontations on the Puyallup and Nisqually Rivers. Although these brief squirmishes are usually blueprinted and directed by urban Indians, they are joined with commitment by many reservation Indian youth. They echo the declaration of one of their national youth leaders who admitted to being a "radical" this way. He stated:

> We are radical in the sense that we want to preserve our identity in a world that conceived of that as a radical concept. We are radical in the sense that we want changes in the Indian situation. We are radical in the sense that we want to remain Indian in a world that wants to deny us our Indianness.

One mystifying facet of "Indianness" is the red man's identity with his land. The white man is an immigrant here. The Indian is the original American and he never forgets that fact. The red man does not share the European immigrant's yen for territorial conquest. The European settlers, oblivious to the natural rights of the earlier inhabitants, considered it their own exclusive use. Persistent objections of the natives were most often handled simply through annihilation of the protestors.

Americans are essentially progressive in their self-image. Indians see themselves as important and vital, but they do not see all 263 American Indian Tribes and 300 Native Alaskan communities moving toward a single nationalistic goal. The Indian culture did not view war as a proper and essential vehicle of territorial conquest so much as a cultural ritual or as an honorable means of defense.

To the Indian, land was not simply a plot of clay to occupy, to build a house or barn or city or ranch on, or to sell for cash. Land was owned communally and could not be sold by an individual Indian. It was not "developed" for commercial use, but kept in its natural state and appreciated, even worshipped. According to the oral tradition of the Western Washington Quinaults and Quileutes, the trees talked to the Indians. The ocean, the birds, the rocks and the mountains communed with the Indians and passed on to the red man the secret wisdom of nature.

Land is the precious gift the Indian passes down to his descendants. Separate an Indian from his land and he may begin to doubt, deep within himself, that he is still truly Indian. Washington's landless tribes suffer a unique identity crisis because this crucial tie has been severed. The Yakima Indians have spent years struggling tediously through endless bureaucratic mazes in an attempt to get their tribal authority over a tract of ancestral land on Mt. Adams returned to them. They have repeatedly refused cash compensation because they say their land is sacred and may not be priced by white man's values.

Land, traditional fishing waters, root digging areas, berry patches, swamplands where the fiber plants for weaving baskets grow -- all were important to the cultural arts and religions of the Washington tribes. The religious feast could not be held without the necessary fruits of the land and sea and rivers.

And so the land reserved by the Washington Indian for himself when he ceded most of his ancestral territory to the white man is a fragment he clings to with the tenacity of life itself. He feels strongly that he should have complete authority over that meager parcel -- the power to zone it, to police it, to hunt and fish and harvest it without interference, to close it to the white man if he chooses and to rule over it as any white sovereign is permitted to preside over his own country.

It's a concept the white man seems to take for granted in his own culture, but in Washington State he has been unable to recognize the validity of this concept for the Indian.

CHAPTER THREE

IN THE BEGINNING WAS THE INDIAN

The Indian aboriginals of the State of Washington made up two sharply differing cultures -- one east and one west of the Cascade Mountain range.* Twenty-five distinct tribes ranged over the dry uplands of the Northwest in a seminomadic lifestyle which was similar to the buffalo hunting tribes of the great plateaus. On the lush West Coast lived the richest people in North America -- the Northwest Indians of the Totem clans. Here the mild climate, abundant rain and fruitful waters nourished one of the few hunting, gathering and fishing societies of the world which produced wealth beyond that needed for subsistence. The basis for the aboriginal economy for both Indian cultures, however, was salmon. The life giving fish was taken in natural abundance from the Spokane River, the Columbia River, the numerous rivers which flow into Puget Sound and from the Sound and Pacific Ocean. Hunting was important but fishing was vital to all the Indian tribes.

At least 50 different tribes of Indian fishermen once lived along the rivers and bays of the Washington and Oregon coastal areas. The whalers and seagoers of the north were the Makahs, Quinaults, Quileutes and Klallams. They represented the transition between the coastal tribes farther south and the Canadian and Alaskan full Totem cultures. Second only to salmon in importance to these coastal tribes was the red cedar tree. Cedar planks bound together with cedar withes were thrown up into elegant gabled lodges, often huge, which helped to proclaim the prestige of their owners. The rich coastal Indians were very materialistic and property-conscious. It is said that Seattle, a Suquamish Indian who was also chief of the Duwamish, owned a lodge 100 feet long in which 10 families lived, each with its own fireplace and furnishings. The cedar wood was also steamed and bent and carved so that buckets, serving dishes, lids, boxes and utensils of strength and beauty were fashioned. The bark of the cedar supplied mats, furnishings, ropes and baskets.

Wealth determined leadership and there was an elaborate social structure in the coastal tribal cultures. There was an inherited nobility, a middle class and a slave class of war captives and their descendants. Slaves were so valued that the Klallams, Lummis and Cowlits waged war to get them. Chinooks raided the Oregon coast and the Makahs and Quileutes of Northern Washington raided each other.

In the Puget Sound area the Indians developed an elaborate feast and ritual which they called the Potlatch. It was characterized by the presentation of valuable gifts by the host to his guests. The ritual was highly competitive and each potlatch had to be followed by another in which the major recipient tried to outdo his benefactor in giving away valuables. Only a very rich and abundant culture could produce such a social custom. Only a culture so rich that there was time for leisure, time not required for insuring tribal survival, could develop the complex ceremonies, rich oral literature, elaborate wood carving and stylized art motifs as well as intricate basketry of the coastal Totem culture.

The Plateau tribes of Eastern Washington belonged to the Salish linguistic group and exhibited characteristics more like the Sioux, Crow, Blackfeet and Cheyenne Plains Indians in their lifestyle. They were hunters as well as fishermen. They moved throughout a vast area, first on foot and later when the horse was introduced, mounted in a wide-ranging hunt for the buffalo. The economic and social life of the tribes was tied closely to their living cycle. In spring the winter camps dispersed into small groups under sub-chiefs to gather berries, the root of the camas and to hunt. The tribes of the entire Northwest Plateau were hunting, digging, and berrying at the same time, so it made inter-tribal social activities convenient. These social gatherings became what is today known as the Pow-Wow. They began in June and ended in September offering keen competition in ceremonial dancing, stick games and other sports. In early winter the small camps regrouped to locate in favorable places along the rivers for their quiet winter season of ceremonies, trading and visiting. Salmon was a vital food source for these tribes and also an important trade item. Later, when the white man arrived, the northern plateau tribes furnished so many valuable furs that their villages became major trading centers.

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* Indians of the Northwest, a 1968 publication of the United States Department of Interior and Uncommon Controversy, a 1970 publication of the American Friends Service Committee now in a popular edition, provide a description and insight into early Northwest Indian history.

In very early times the Spokanes frequently raided the Yakimas for horses and women, food and weapons. They made slaves of the women. The Yakimas called their brothers to the north, "robbers," because of these raids. Although the plateau tribes of Washington were not considered especially warlike, they allied themselves for defense when they made their travel into the feared territory of the Blackfeet and Crow. Their chiefs were selected, not from a hereditary line, but for wisdom and courage.*

A history passed down through the generations of Washington tribes begins at a different time for each of them. Indians claim the recently unearthed bones of the Marmes Man who lived in Southeastern Washington on the Snake River in 10,000 B. C. as their own. From Marmes Man down to the arrival of the Europeans in 1592 when Juan de Fuca passed through the straits, there were dozens of Indian tribes fishing, gathering berries, digging the camas root, harvesting shellfish and hunting game in the area that became Washington State. They formed at least fourteen distinct linguistic families.

The fish-eating tribes which lived along the rivers and bays of the Washington and Oregon coast introduced weaving as a highly developed skill long before other groups on the continent practiced the art. Some were famed for their blankets loom-woven of dog hair. Among these tribes the word for fish was simply salmon. Coastal Indians believed salmon were not really fish but people in disguise who came from a magic village under the sea to provide them with food and once eaten, returned to their home and again took the form of fish. There was a ritual attached to every act related to the salmon, from catching, cooking and eating it to disposing of its bones. That is why today the fish-eating tribes, denied by the State the opportunity to fish in their "usual and accustomed places," will arm themselves and defend their treaty rights with their lives. Fishing is an identity issue with Washington's coastal tribes. And it is a religious issue, and physical and spiritual survival issue.

The interior tribes traveled in a continuous cycle, harvesting game, wild seeds, berries and the greatly valued root of the camas. They too had basketry techniques that ranked among the best in North America. They wove the grasses and scrubby brush of the Plateau into almost everything they used, from their wickiup shelters to their watertight cooking pots. They fished the salmon of the Snake, Spokane and Columbia Rivers.

In the early 1700's horses were introduced to the Plateau tribes and they became skilled horsemen. They bred the famous Appaloosa. They became popularly distinguished from the tribes west of the mountains as "horse Indians" rather than "canoe Indians."

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* Children of the Sun, written by David C. Wynecoop and published in 1969, explains this point.

There was still another group of Washington Indians and these formed a useful transition between the East and the West. They were the Chinooks who became traders, middlemen and merchants. They created a jargon which became the trade language of the entire Northwest. Through them coastal tribes sold vast quantities of dried fish in exchange for dried meat and tanned hides from the inland tribes. Indians used their resources not only for subsistence but also to participate in the vast trading empire along the Columbia and over the mountain passes.

Washington was made a Territory of the United States on March 2, 1853. The Indians still held title to most of the land; but they had no voice in the decision supported by Congress to put a railroad into the Northwest to complete the transcontinental system. Young Isaac Stevens, only 35 and with a reputation still to be made in politics, was sent to Washington to serve as both Superintendent of Indian Affairs and Governor of the new Territory. Because Indian hostilities were feared by the government, Stevens was directed to make treaties with the tribes so that the country could get on with the railroad.

Historians tell us that it took the ambitious young Governor less than one year to make treaties with more than 17,000 Indians and to extinguish the Indian title to more than 64 million acres of their land. That figured out at more than 100,000 square miles of Indian country in Washington, Idaho and Montana now ceded to The Great White Father in Washington, D. C. Stevens hoped to relocate the Indians onto two large areas but he found that, although he could pressure the Indians into selling much of their land, they were adamant in their refusal to move away from that which they had reserved to themselves.*

When Governor Isaac I. Stevens negotiated a land sale treaty with the interior tribes of Washington Territory in 1855 he did not realize that white settlers and miners would immediately rush through the reserved Indian lands. The first Governor of the Territory thought he had bought peace but his inability to enforce the terms of his treaty led to the famous Yakima, Spokane, Coeur d'Alene and Palouse Indian wars of 1855-1858. Gold had been discovered in the Colville area and great hordes of whites invaded the lands Governor Stevens had promised the Indians would be reserved to them alone. The Tribes were dismayed as they saw their land more threatened by the invasion of whites after the treaty than it had been before. The Indians met in council and decided that if Stevens could not keep the whites out of Indian land, then the Indians must do it themselves.

Nor did the Puget Sound Indian tribes who signed the Point Elliot, Medicine Creek and Point No Point Treaties realize that cities and harbors would grow at the very mouths of rivers guaranteed to Indians because of their access to fishing. The speech of Chief Seattle (see Appendix IV) expresses eloquently the sentiments of some of the Indian leaders. Others, less trusting of the White Father and his promise to protect them from their enemies and forever honor the meager rights they had purchased so dearly, resisted the treaty-makers.

The Indians of Washington State are today only one generation away from the bitter fighting that followed the trampling of treaties and the perfidy of the white government official. They have heard the tragic stories from the lips of their grandparents who were there. They know their children will read only the white man's faithless interpretation of their history in the public schools all Indians in this state attend, and so they pass on to their young the story of the rape of the Northwest as it was recited solemnly to them in their youth.

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* The areas ceded by treaties in Washington State are shown on Map 1. A transcript of one of Governor Stevens' treaty negotiation sessions with Western Washington tribal chiefs can be found in Appendix III. It is interesting to note that the treaties were explained to the Indians in the Chinook jargon -- over the objections of one of Stevens' own staff who offered to interpret in the Indian languages.

On television the Indian children are indoctrinated with the idea that all their ancestors were warlike and savage and that the white man was invariably The Enemy. It is from their grandmothers and the tribal historian that they learn this is not true. From the time of the Lewis and Clark expedition into the Northwest Territory in 1804 until after the Stevens-negotiated treaties were signed and then violated in 1854-55, the Washington State area Indians were friendly to the white man. Nez Pierce Indians befriended and guided the expedition and the explorers and fur trappers who followed Lewis and Clark also were well received by the Northwest Tribes.

But along with the white traders came the white man's diseases. Having no immunity to them, the Indians died in appalling numbers. Along the Columbia River, main artery of travel and trade, once teeming populations were decimated. The Chinooks, always first to meet and trade with the white man, suffered most. Epidemics between 1829 and 1832 virtually wiped them out.

Following the 1849 admission of Oregon Territory into the Union, settlers cleared Indian lands with impunity and began to build upon the appropriated land of the red man towns, mills, and railroads. The Indian resented this invasion. In Oregon the Indians went to war to defend their lands and waterways. By the 1850's the once-friendly tribes of the Northwest were hostile and suspicious of the white invader.

In 1854 territorial governors were told by the federal government to buy out Indian land and rights and to negotiate treaties which would confine Indians to reservations. The government ordered Stevens to relocate many of the tribes. The relocation began peacefully enough but soon the Indians discovered that the government reservations often did not include fishing or gathering grounds. Then the Indian attitude of peaceful relocation changed and they began to resist. The Puyallups and Nisquallies led by Nisqually Chief Leschi fought bitterly but were repelled with heavy losses. Some of the smaller Western Washington tribes fought hopeless small skirmishes for the next 15 years trying to protect their homelands from the invaders.

Under relentless pressure from miners and settlers protected by local militia and supported by federal troops, Indian tribes and bands finally yielded to treaties in which they offered to sell the vast majority of their lands to the United States in return for guarantees of reserved land and reserved rights "for as long as the sun would shine and the grass would grow."

When all the treaties were signed and all the Indians were restricted to their reservations, there were a total of 22 and in addition, tribes without a land base numbered 13. Tribes on reservations totaled 42.

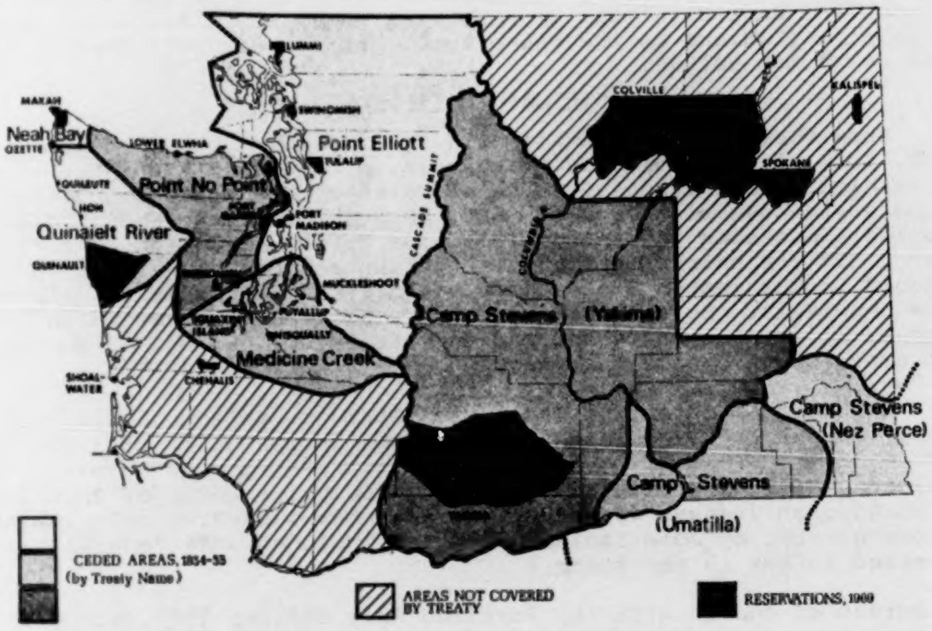
The government has established four major Indian Agency offices in the State with several sub-agencies. The major offices are located on the Yakima Reservation at Toppenish, Grand Coulee Dam, Wellpinit, and Everett. The Western Washington Agency at Everett has trust responsibility over 37 tribes and 13 landless tribes. Bureau of Indian Affairs headquarters for the states of Washington, Idaho, and Oregon is in Portland. The Bureau is staffed to well over 60 per cent by Indians and is currently in the throes of a major realignment which is putting Indians in almost all top policy-making positions in the Bureau.

In this state, Governor Dan Evans asked for an advisory committee of Indians to be elected from all the tribes and from the small tribes organization. The Governor's Indian Advisory Committee was formed in 1967 and meets each month to maintain a direct link between the Governor and the tribes. The Governor also hired as a member of his personal staff an Indian with a master's degree in social work from the University of Washington to be his Special Assistant for Indian Affairs.

This state does not have an Indian Commission as do many states, nor does it have either a Legislative Committee for Indian Affairs or an articulated Indian policy. It has taken the first steps toward developing such a policy.

The Governor has expressed his philosophy of outreach: the provision of State services to Indian citizens in the terms defined by Indians, a willingness to commit the State to working with Indian people as citizens rather than for Indians as clients. The need to coordinate and cooperate with Federal agencies and programs has not been ignored.

This outreach philosophy is in direct contradiction to the historical policy: moving the Indian out of Indian culture and reserved lands and into the mainstream to become a somewhat darker skinned white man. The outreach philosophy directs state agencies to coordinate their activities to assist Indian citizens in the Indian effort to preserve their dignity and maintain or refurbish their culture, traditions, lands and legal rights. In short, to allow the Indian to choose his own destiny.


LUMMI
MAKAH
Neah Bay
OZETTE
LOWER ELWHA
SWINOMISH
Point Elliott
TULALIP
Point No Point
QUILEUTE
HOH
PORT GAMBLE
PORT MADISON
Quinaielt River
QUINAULT
MUCKLESHOOT
SQUAXIN ISLAND
PUYALLUP
NISQUALLY
Medicine Creek
CHEHALIS
SHOAL-WATER
CASCADE SUMMIT
COLUMBIA R.
COLVILLE
KALISPEL
SPOKANE
Camp Stevens
(Yakima)
YAKIMA
Camp Stevens
(Nez Perce)
Camp Stevens
(Umatilla)
CEDED AREAS, 1854-55
(by Treaty Name)
AREAS NOT COVERED BY TREATY
RESERVATIONS, 1900

Map 1. *Areas ceded by treaties, Washington Territory*

CHAPTER FOUR

WHERE THE WASHINGTON INDIAN IS TODAY

A deeply concerned Coastal Indian told the Indian Affairs Task Force, "The social distance between whites and Indians is widening rather than narrowing."

Another testified to the Task Force, "Dope and liquor destroyed our life so that we kind of hate one another. The white man brought it in."

An Indian woman who holds a master's degree in education told the Task Force, "Indians have purposely made themselves obscure. Up until recently Indians have been hiding. It's easier to work with whites and fail but hard to work with your own people and fail. You must allow Indian people the luxury of a negotiable position. Give them the vision so they can develop the appetite for self-determination."

The widening social distance of which the Indian speaks, the white man's social diseases which are invading the reservations, the need for planting the seeds of belief among Indians that they can shape their own lives -- all are evidences of the climate of ignorance and misunderstanding about the contemporary red man in which the contemporary white man exists.

The mass of non-Indians in this state are totally unaware that:

HOW MANY INDIANS

There are 19,364 Indians enrolled in the tribes of Washington state.[1] This number includes only the enrolled members of the 22 officially recognized tribes who receive certain services from the federal government as long as they live on or very near their reservation. There are thousands more Indians in the state, mostly in the cities where they have migrated seeking employment. Other Indians belong to landless and non-federally-recognized tribes such as the Snohomish and Chinook and Sauk Suiattle. An educated guess about the total number of American Indians in the state would put them at well over 25,000, some would say 50,000.

INDIAN EDUCATION

From these 22 reservation tribes, 317 Indian children are sent away, most of them to boarding schools in Oklahoma.[2] Indian children in Washington are supposed to be educated by the state in public schools and most of them are. But, because of severe social disorganization among some Indian families, the Bureau of Indian Affairs has placed 317 youngsters in federal boarding schools. There are no BIA schools in Washington State, just as there are no Indian Health Service hospitals. So the children who do not fit into the white public schools of the state are shipped away to Salem, Oregon, or to Oklahoma for nine months out of the year.

Indian drop-outs from Washington State's public schools average almost 40 per cent.[3] A recent study shows Indian girls drop out at the

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[1] Bureau of Indian Affairs, Washington D. C., records of enrolled Washington Indians for 1970. This number indicates only Indians of one-quarter or more Indian blood and includes only federally recognized tribes in the state.

[2] Bureau of Indian Affairs, Portland Area Office, 1970 records.

[3] The American Indian High School Dropout, (Continued on next page.)

rate of 42.2 per cent. The overwhelming increase in school drop-outs shows up at the 10th grade. This staggering drop-out rate is equalled among all children in the state only by migratory Mexican-Americans. Obviously, the public school system has profoundly failed to educate the Indian child.

Despite a 38.5 average per cent drop-out rate for Indian boys and girls, those Indian students who do complete high school are being assisted by their tribes and by the BIA to go to college. This year 271 Indian young people are enrolled in colleges, universities and institutes.[4] Almost all of them are on BIA or tribal scholarships. But more Indian youth would be in college if there were more funds available to send them. This year 100 who were expected to enroll in Green River Community College alone didn't make it because of lack of scholarship funds.

INDIANS NEED JOBS

One quarter of all employable adults on Washington reservations are completely unemployed and less than two-fifths have permanent jobs. Almost as many have temporary or seasonal jobs as have regular full time jobs. Recent figures indicate that less than 1,600 adult Indians on reservations are permanently employed. About 1,500 have seasonal jobs and 1,000 are unemployed.[5] On some remote reservations unemployment often runs as high as 50 per cent.

NOT ALL ON WELFARE

In spite of the high unemployment figures for adult Indians in the state, there were only 694 reservation Indian families on the Public Assistance rolls in June, 1970.[6] These welfare cases included aid to the totally disabled, to the blind, old age assistance and to families with dependent children. Welfare grants were made to 1,900 individual Indians.[7]

RURAL INDIAN INDUSTRY

There are five industries located on Indian reservations in the state. All are non-Indian owned but employ Indians. A chair manufacturing firm in White Swan on the Yakima Reservation employed 134 Indians out of a payroll of 178.[8] A wood veneer plant on the Spokane

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[3] (Continued from previous page.) Field Paper No. 30 by Alphonse D. Selinger. Study conducted under sponsorship of Northwest Regional Educational Laboratory, 400 Lindsay Bldg., Portland, Oregon, published February, 1969. Results for Washington State Indian students (sample taken from 8th grade) indicated a total dropout rate for both boys and girls of 38.5 per cent. Female Indian students dropped out a a rate of 42.2 per cent, males at 34.8 per cent. An unpublished masters thesis by Wesley Apker of Washington State University, completed in 1962, indicated an Indian student drop-out rate much higher with less than 40 per cent of Indian High School entrants persisting until graduation.

[4] BIA, Portland Area Office, statistics for 1970.

[5] BIA, Portland Area Office, statistics for March through September, 1970.

[6] BIA, Portland Area Office, statistics broken down for all reservations, June, 1970.

[7] Ibid.

[8] BIA, Portland Area Office, statistics for all reservations through September, 1970.

Reservation at Wellpinit employs eleven of whom seven are Indians.[9] An aluminum box company in Cusick next to the Kalispel Reservation employs four Indians.[10] The Cascade Western outdoor clothing firm in Toppenish has nineteen Indians on a payroll of 74.[11]

There are a number of Indian owned and operated tribal enterprises on several Washington State reservations. Most familiar to the non-Indian of the state is the Lummi Aquaculture business -- a project jointly funded by the federal Department of Housing and Urban Development, the Department of Labor and the Oceanic Institute. It has a potential income of between $4 and $5 million and involves several methods of aqua farming. The most significant project within the aquaculture experiment is the rearing of oysters suspended on cables below rafts which float in "ponds" created by dikes built on the tide flats adjacent to the reservation. Other aspects of the program include the rearing of trout acclimated to salt water, a steelhead hatchery, and harvesting of algae from the floor of Puget Sound. This program provides training for Lummi Indians under a Labor Department manpower program. However, the training is not provided on the reservation and trainees must spend nearly a year away from home in preparation for becoming employed in this imaginative experiment. The first phase of the project, which was launched just this past year, involved eighteen Lummi Indians as trainees.

The Swinomish Indians have been harvesting oysters for years. They were trained by Japanese oyster farmers in a program set up and carried out by the Indians themselves over the objections of Bureau of Indian Affairs officials who were then in authority over the tribe. Currently a fish processing plant is being built on the Swinomish Slough which, it is estimated, will gross between 30 and 40 per cent more profit for the tribe in its tribal salmon enterprise. A recent grant from the Office of Economic Opportunity will enable the tribe to complete the plant and to hire tribal members for it.

The Quinault Indians have their own reservation fishery and tribal processing plant; the Puyallup Indians have recently started a salmon business based on their recently won fishery rights on their historic off-reservation fishing grounds on the Puyallup River; the Makah Indians harvest the rare olive shells from their Puget Sound and Ocean reservation beaches and make unique Makah jewelery which is handled by the National Park Service. All of the tribes on reservations lease their land, lease timber rights, deal in recreational real estate, harvest shellfish if they have tidelands, and fish, hunt and dig for sustenance foods. Some Indians are self-employed ranchers, others have cattle herds, many are fishermen. The Makah Tribe has underwritten a fleet of ten fishing boats which are operated independently by tribal fishermen.

UNHEALTHY SITUATION

Indians are not disappearing. The birth rate of Indians is twice as high as the birth rates of blacks and whites together. But the infant mortality rate in Washington State for Indians is highest in the nation. Nationally, 32.2 out of every 1,000 Indian babies die within their first year.[12] And they don't reach the average life span of other races when they do survive infancy. Average life span for Indians is 44 years.[13] For all others the average is 64 years. What Indians die of is significant. Lethal accidents, suicides, cirrhosis of the liver together take 22 out of every 100,000 Indians.[14] This is triple the national rate for others. Teenage suicides alone among Indians was triple the national rate as recently as six years ago.[15] In Washington State reservation youth programs have reduced a shocking suicide epidemic among Indian teenagers.

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[9] Ibid.

[10] Ibid.

[11] Ibid.

[12] Statistics cited for 1969 in hearings before the House Interior and Insular Affairs Committee by Indian Commissioner Robert Bennett and by U. S. Public Health Service Indian Health branch.

CRUNCH IN HOUSING

With the exploding reservation populations, the Indian housing pinch has reached crisis proportions. Every tribe in the state is suffering a critical housing shortage. The Quinault Indian village of Taholah is typical. Ten Indian families and several non-Indian families whose heads are employed by the tribe or in the Indian Health Service are unable to live on the reservation at all. Despite the mutual self-help BIA housing project which has put twenty new homes in the village this past year, overcrowding and a housing shortage still exist. The tribal housing authority study of the situation found that out of 94 homes in the village, 70 were in serious substandard condition.

On the Yakima Reservation 400 houses are in need of major repair, or 30 per cent of the total houses. Yakimas have limited units of low income housing being built, far too few to meet the need. The Makah's finally got approval of their first new housing project with 35 units being started. The Lummi's need a low cost housing project but don't have one. The Small Tribes Organization of Western Washington is working hard to find funding for low cost housing off reservations for Indians, but have been hamstrung by federal housing guidelines. The Muckleshoot Reservation has been unsuccessful in obtaining some surplus federal land on which the tribe hoped to build a housing project because the government sold the land to a large private industry instead of awarding it to the Indians.

COMMON MYTHS EXPLODED

The federal government is the trustee of American Indian land but that does not mean that the government feeds, clothes, houses, educates, trains, marries, buries and salaries the Indians. Contrary to popular belief, Indians are not paid a monthly stipend from the government simply because they are Indians. "Per capita payments" that Indians sometimes receive are from sales of tribally owned lumber, or from legal claims won by the Indians for invasions of their treaty rights, or from the leasing of tribal lands to the white rancher. They are actually dividends voted to members from the earnings of what amounts to a tribal corporation.

The state is supposed to educate the Indians because the federal government pays the state to carry out this federal responsibility promised in the treaties. The federal government provides the state with federal impact funds and with special Johnson-O'Malley Indian education funds in lieu of those real estate taxes which are collected to pay for education from non-Indians.

Other taxes are paid by Indians to the state. (See Appendix II). Indians pay state taxes on all food and gasoline purchased off the reservation -- as practically all of it is. They pay state taxes on all clothing they buy, automobiles they buy, appliances they buy, just as non-Indians do except when they buy those items right on federal trust land. They do not have to buy hunting or fishing licenses. This exception is in line with the treaty rights protecting fishing and hunting off the reservation.

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[13] Ibid.

[14] U. S. Public Health, Indian Health Service statistics for 1969.

[15] Ibid.

Many Indians feel strongly that they should not be taxed at all by the state because they say they are wards of the federal government and the state does not have a legitimate right to impose its laws on them. This position is contested by the state which has extended its public assistance, education, vocational rehabilitation, institutions, law and order, and other social services to the reservations.

So whether Indians agree with the requirement or not, they do pay almost all normal state taxes and are, therefore, not the "super-citizens" above the law that many non-Indians believe them to be. Indians also pay fines when they violate state laws. Even when they violate state laws on their reservations, their fines go into the state's coffers, not into the treasury of the Tribal Council. The Indians feel this practice is unjust and is a major factor keeping Indians from being able to support adequate law enforcement on the reservations.

Indians are full-fledged United States citizens. They were made U. S. citizens in 1924 -- four years after women acquired citizenship and 56 years after black Americans won their citizenship status. But Indians have fought in every American war since the Revolution. There were Indians on both sides of the Civil War. They were heroes in the First and Second World Wars and have not, as a race, protested the Viet Nam War. Still, the Washington State Constitution includes a clause which forbids Indians who do not pay taxes from voting.[16]

COMMUNICATIONS GAP

Knowledge of these facts is shared by few non-Indians in Washington State. Indians long ago became resigned to such ignorance on the part of their white brothers and settled for evading representatives of the state and taking their problems directly to Washington, D. C. where they could deal directly with federal officials. This system has been surprisingly successful and many Washington State Indians are skilled and sophisticated political experts.

There are more than 2,000 regulations, 350 treaties, 5,000 statutes, 2,000 federal-court decisions and 600 opinions of the U. S. Attorney General that apply to Indians. The average Indian knows a great deal more law than the average non-Indian. He has to, to keep out of trouble. But it tends to make him somewhat cynical of non-Indians who want to "do something for the Indians." The Washington State Indian believes he is capable of doing for himself. He just wants the opportunity to demonstrate it. But until the average non-Indian is willing to educate himself as to what the Indian's problems are and what his treaty rights are, the Indian despairs of ever closing the red-white communications gap.

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[16] State Constitution, Article 6, Section 1.

CHAPTER FIVE

JURISDICTION ON THE RESERVATION

The Constitution of the United States is the basic authority for the conduct of Indian affairs.* Washington was required by Congress, along with seven other states, to disclaim jurisdiction over Indian lands before the territory was admitted to statehood. But Congress has acted capriciously in Indian affairs throughout the years, often with disastrous results for the native American. A prime example of such capricious action by Congress is Public Law 280, passed in 1953. Congress later recognized that this law was damaging to the interests of both the states and the Indians and consequently modified it. Public Law 280 conveys legislative authority over Indians in certain areas to the states -- areas which had been under the exclusive authority of the federal and tribal governments. Although the constitution of the State of Washington disclaims jurisdiction over Indian lands, Public Law 280 was construed by this state as permission to impose state law and order over Indians within the boundaries of Indian reservations. Before Public Law 280, Indian Tribes on reservations had jurisdiction over all but major crimes committed within their trust territories. The federal government had jurisdiction over felonies. The Indian tribes had their own judges, courts, jails and programs of prevention and rehabilitation.

This new authority caused so much consternation that in 1963 the State Legislature passed Senate Bill No. 56 which prevented the state from imposing complete law and order jurisdiction over Indian tribes unless the Governor received a tribal resolution requesting total state jurisdiction. However, the state was still empowered to impose its authority over Indian country in eight points of the law including: compulsory school attendance; public assistance; domestic relations; mental illness; juvenile delinquency; adoption proceedings; dependent children; operation of motor vehicles upon public streets and roads within the reservation.

It is obvious that with this sweeping jurisdiction over Indian juveniles and family affairs, it is possible for the state to violate the intention of the U. S. Constitution and wipe out tribal customs. The State may reduce or destroy traditional family control which is vital to the Indian communal way of life, abolish undocumented marriages rendering the children of such unions illegitimate, change inheritance laws and confuse a people accustomed to simple tribal law with the sophisticated legal maze of the white man.

It also meant that counties which hired bigoted law officials and elected racially prejudiced commissioners and lawmakers could withhold law enforcement from Indian country, thus encouraging lawlessness. In other cases, the law has been applied selectively. In almost every instance, the county government has lacked sufficient funds and personnel to enforce the laws equally in the remote rural areas where the reservations are located. Perhaps most frustrating of all to the Indians is their inability to control their own children under state imposed jurisdiction.

This action by Congress has since been amended by the Civil Rights Act, and States are now allowed to return this law and order jurisdiction to the tribes. The State of Washington has jealously guarded this power over Indians and in spite of strong requests for a return of their authority over their own children, the Indians have not been able to retrieve it from the State.

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* The Indian enjoys a unique legal status. This status is a source of conflict with state and local governments. Four major areas of "conflict" are examined in this report: law and order on the reservation, tribal on-reservation zoning authority, water rights, and fishing rights. Other aspects of the Indians unique legal status are discussed in the first two Appendixes.

In repeated resolutions by the Northwest Affiliated Tribes, the Indians of Washington State have charged the State with complete failure in administering adequate law enforcement on reservations and have further charged State-imposed law and order jurisdiction with creating "almost insurmountable problems within the reservation." Comprehensive delinquency control planning has been impossible where the tribe has jurisdiction over parents and the State has assumed total jurisdiction over juveniles.

The State also assumes law and order jurisdiction over fee land or non-trust parcels within the reservation. This compounds law enforcement problems because there are few physical boundary lines which indicate clearly whether a crime is committed on trust or non-trust land within the boundaries of the reservation. For purposes of enforcing game laws, some Indian police have been deputized by county sheriffs in order that they may arrest both Indian and non-Indian for hunting violations.

The complaints of Indians made to the Task Force about racial discrimination, inadequacies and bungling of state law enforcement efforts on the reservation were varied, serious and often bitter. The Indians feel very strongly that in this vital area of their lives the state has invaded their privacy, violated their federally protected rights, and worse, broken its promises.

The Indians cited cases of homicide which they believed to be unsolved because "If it's an Indian, it isn't important." They described unexplained murders and uninvestigated highway accidents on the reservation and a rarity of coroner's juries. The Indians contrasted this neglect of proper law enforcement with testimony of harassment and over attention at per capita payment time. One Indian told the Task Force that at pow-wow time, when the Omak Stampede drew thousands of whites and Indians to the area, the police set up a road block and stopped all Indians in cars for a drunk driver check and waved all non-Indian drivers on without a check.

Another Indian who said he drives an old car which has a malfunction in its steering mechanism testified to discriminatory treatment by the police. He told the Task Force, "My dark skin is just like waving a flag in the policemen's face -- every time they see me they think I must be drunk." Several Indians pointed out that traffic and other fines at per capita payment time "are about equivalent to the size of the per capita payment" which is always published in the newspapers and in the Indian press.

A Colville Tribal Council member told the Task Force, "We're finding out we have less and less power in our law enforcement. We have to take our cases to the Justice of the Peace, and we never hear of them after that. Poaching and trespassing on the reservation is costing us money all the time but the revenue from fines goes to the county. We have very inadequate police protection except right before and after per capita time. The County Sheriff is in Republic, 65 miles away. We want total law and order jurisdiction with authority over non-Indians on the reservation."

In 1965, when making plans to terminate the reservation, the Colvilles petitioned the State to take over law and order jurisdiction. The Colville Tribe also agreed to pay the cost of maintaining law and order on the untaxed reservation out of tribal funds. The Chairman of the Ferry County Board of Commissioners, Carl V. Putnam, explained to the Task Force that the Colville Tribe has paid annually $20,000 each to both Ferry and Okanogan Counties, and an additional $10,000 for a special deputy stationed at the reservation town of Inchelium and for a part time deputy at Keller. In addition the tribe furnished the jail and an automobile.

The Colville Indian Tribal Council is no longer supporting the concept of termination and has recently taken official action to revoke its tribal payments to the counties for law enforcement. Members of the Colville Tribal Council urged the Task Force to seek full retrocession of law and order jurisdiction from the state. They testified that the law enforcement on the reservation, even with their tribal funding as a subsidy, was woefully inadequate. Since the tribe has withdrawn the subsidy the county has closed the reservation jail and reduced the law enforcement personnel assigned to the area.

The two counties which lie partly inside the Colville Reservation have severe problems in raising enough revenue to support the vital services the population of the area requires. Ferry County is made up primarily of non-taxable land. Eighty-five per cent of the county is either national forests or Indian reservation. Okanogan County was already over $100,000 in the red when its County Commissioner, John Carlson, testified before the Task Force.

The area has no juvenile detention or holding facilities. When the County Commissioners sought federal U. S. Justice crime prevention funds for such a facility, the State Law and Justice Committee approved only a fraction of the needed funds.

Ferry County Commissioners were quick to commend the Colville Tribe for its assistance in operating the county and confessed that presently the county is in need of the Indian subsidy. Quite another attitude was expressed by Okanogan County Prosecutor James Thomas, who said that the county gets along well with the Indians because the Indians "have wanted to assume their responsibility" by making tribal funds available to pay for policing the reservation. He urged the Task Force to ignore the Colville Indians' request for retrocession of law and order jurisdiction and to fight to retain State authority over the tribe. Thomas said, "The problems of the county are the problems of the Indians." He said that if the Indians were willing to continue to "fulfill their obligation to pay for their law and order services by the county," he wouldn't object to having the fines of Indian arrests go back into the reservation.

Indians throughout the State protested at Task Force hearings that they are not permitted by the State to arrest non-Indians who commit crimes within reservation boundaries nor are they able to keep the fines imposed on Indians who commit crimes. Federal BIA Indian police officers and tribal police officers who enforce law and order over adults and over federal crimes committed on Indian land must turn their prisoners over to county authorities. With the prisoners go the revenue that could help pay for tribal law and order. Cross deputizing of tribal and BIA police would eliminate many problems related to arrest.

Making tribal judges Justices of the Peace would help to eliminate the problem of lost revenue through fines. A few Indian policemen are deputized by County Sheriffs, but this practice is not widespread in the State. Tribal Court systems are generally not recognized as legal or their decisions binding by the non-Indian courts of the State. Non-Indians who commit crimes on Indian land cannot be tried by tribal courts at all. This means that if Indians are to enforce their federal treaty rights outlawing trespass on their beaches, shellfish beds, in their forests, on their fishing lakes and in their trout streams they must eject the trespassers bodily through physical force.

The Quinault Indians have been quite successful at this on their Pacific Ocean beaches and on Lake Quinault. Other Indian tribes have been less aggressive, but Indian testimony indicated they are hardening their attitudes on the subject of trespass. County Sheriffs with jurisdiction over several reservations which suffer trespass violations confessed to the Task Force that they have neither the manpower nor the funds to patrol the areas being invaded and damaged.

Joe De La Cruz, business manager of the Quinault Tribe, told the Task Force that there would be no Quinault juvenile problem if the tribe had total jurisdiction over law and order. He said the tribal judges used to sentence Indian youngsters to cutting brush around town (Taholah) when they got into trouble, and this discipline caused the youth to think twice before again breaking the law.

De La Cruz said that under present conditions juvenile halls are full every weekend and there is no place to put the youngsters who have committed crimes. He said the county often released juveniles without notifying the tribe. Since this county effort has broken down, the Quinault Tribe has started turning over its county-released juvenile delinquents to tribal judges for sentencing in spite of lack of legal jurisdiction.

Quinault Chief James Jackson said the Quinaults will first seek to overturn the law because they feel it is illegal in the first place. And the tribe believes it can do a better job than the state in taking care of their own children; that the children would be better off under tribal jurisdiction. If that alternative fails, the Quinaults will ask the state for permission to contract the job of handling their Indian juveniles. He said that if the tribe could contract through the State or county to provide juvenile services, the Indians would be regaining authority over their own children, and at the same time the tribe would be recognized as a legitimate governing unit by the State.

The Spokane Reservation has a tribal police force and tribal courts and judges, but the Indians have no power to arrest non-Indians violating the law on their Indian lands. Neither can they collect the fines levied against the Indians and non-Indians arrested by county law officers within the reservation. The tribe asked the Task Force to seek State and Indian concurrent jurisdiction over law and order for the Spokane Reservation. Spokane business manager, Glenn Galbraith, told the Task Force that the Indians want authority to enforce the law when the State and County fail. Other Indian tribes in the State favor clear-cut tribal authority.

WE RECOMMEND THAT:

The State Legislature pass a bill outlining the procedure for retrocession. Retrocession would return to the State's Indian tribes whatever degree of law and order authority over their reservations that the individual tribes agree they can assume. This type of legislation would include provision for the tribe to assume full jurisdiction over law and order, or would provide for the tribe to assume with the State concurrent jurisdiction if the tribe preferred, or would permit the tribe to assume just those areas of jurisdiction which the tribe chose to pay for and administer.

The Legislature provide a means for Indian tribes to contract with the State or counties or cities to provide law and order services to Indians if its tribal government desires to do so. This legislation would have to include provision for State recognition of federally recognized Indian Tribes and their elected Tribal Councils as legitimate governing units.

All Indian police officers who serve reservations be deputized by the Sheriffs of the counties within which the reservations lie so that Indian officers may legally arrest non-Indians who commit crimes on Indian land.

Tribal Judges on Indian reservations be made Justices of the Peace so that they may hear cases of non-Indians who are arrested for committing crimes on Indian land. Fines imposed on both Indian and non-Indian offenders would be utilized solely for reservation law and order programs.

Counties seek the special aid of the State to finance adequate law and order services in areas of the State where great tracts of county land are non-taxable because they are under federal jurisdiction.

County law enforcement officials be required to look upon the Indian reservation as a responsibility equal to that of other areas of the county and provide equal services to the entire county.

Indians be hired and trained in law enforcement by the State at all levels.

CHAPTER SIX

ZONING ON THE RESERVATION

"Indians have been treated like children. The State seems to think it can't trust Indians. The State has been encroaching upon Indian sovereignty."

The words came from Tandy Wilbur, Sr., for many years the prime mover on the Swinomish Reservation and Business Manager of the Swinomish Tribe. He was joined in his complaint by Bernie Gobin, Chairman of the neighboring Tulalip Tribe who told the Task Force, "When the county zones non-Indian owned land within the reservation it means Indians can have no comprehensive land use plan for their reservation and they feel this is an unfair imposition by the State. We don't believe this practice is in line with federal intention."

The Snohomish County Prosecutor Robert Schillberg agreed with the two Indian leaders who were repeating before the Task Force the same objection to imposed county zoning of Indian land that came under heated discussion at every Task Force hearing. Schillberg told the Task Force, "Land use zoning must be a combined effort on the part of the tribe and the county so that a comprehensive plan that is consistent within the area will result. Zoning jurisdiction must be noncomittant.

Tandy Wilbur raised the question that was to be asked of the Task Force many times throughout the summer. "Why isn't the Indian reservation looked upon by the State as a unit of government and treated in the same way as a city of municipality?"

A member of the Quinault Indian Tribal Council told the Task Force that the problem of maintaining the 28 miles of prime Pacific Ocean beach which borders the Quinault Reservation is primarily a zoning jurisdiction problem.

"The problem is caused by the real estate developers who want what the Quinault Indians have. We just can't make much progress on this problem until the State recognizes the Tribal Council as the authority over the reservation and we have the power to control our own destiny. If we cannot, then we will not allow development if we can help it," the Indian said.

However, we are not just against progress. Rather, we wish to preserve what we have and watch it grow in value. But now we don't have the proper authority to control our own destiny and no one seems to be very concerned about it. We get bills introduced but all that happens is that we run our legs off in a lobbying effort when legislators don't want to listen to the Indians.

Quinault Tribal Chairman and hereditary Chief of the Quinault Tribe, James Jackson, told the Task Force that it is vitally important to the Indians and necessary to their development that the State recognize the Tribe as the governing body of the reservation. This idea was conveyed to the Task Force repeatedly by Indian leaders on all the reservations where hearings were held. Sometimes the problem was a burning permit, sometimes a water use permit, sometimes a hunting privilege or the right to pick up a delinquent juvenile -- all ambiguity stemmed from failure of the State to recognize the Tribal Council as the governing body on Indian land.

A tribal chief illustrated the impasse which results from overlapping but undefined zoning jurisdictions with this unresolved problem:

The tribe drew up a tribal land use zoning ordinance which was unanimously adopted by the tribal officials on March 25, 1967. The ordinance provided for zoning the land of the reservation into zones which were well defined as to what uses would be permitted within each. They included a forestry zone, an industrial zone, a commercial zone, a tourist zone, a residential zone and a wilderness area zone. The ordinance also laid down regulations and codes for both public and private buildings and for minimum yard sizes and a setback from the street line. There was provision for public hearings to consider hardship exceptions and there was provision for enforcement of the ordinance.

The tribal ordinance was approved by the federal government on condition that the zoning plan met with the approval of the county authorities. This county enforcement would come only if the Indian zoning plan was very similar to the county zoning plan. The Indian officials met with the county authorities and the requirements of the zoning ordinance were not rejected by the county. Instead, the county insisted it has no authority to zone within the exterior boundaries of the Indian Reservation. An opinion of the State Attorney General which was made public in June, 1970, states that the State does have authority to zone non-trust land within the reservation. So the zoning jurisdiction question is up in the air and the Indians cannot act to enforce their comprehensive zoning plan.

The Chief observed, "People are all excited about seacoast management. Maybe they should be somewhat excited about this zoning question because our zoning regulations are designed to protect the beauty of these marvelous seacoasts here."

Another factor is crucial to the need for clarifying zoning jurisdiction for the Washington State Indian. An official of the Spokane office of the State Department of Planning and Community Affairs, which has been working to discover ways Indian reservations may be included in the State's diversification plan for economic development, said zoning is a must if industry is to be lured out of the urban centers. The State Department of Commerce seeks to attract industries into rural areas of the State; but if tribal councils are not permitted by the State to zone for industrial and commercial sites, industry will continue to show lack of interest in relocating on reservations.

The Indians argue that the white man's cities have comprehensive zoning plans and the City Council has authority to regulate the land use within city limits no matter who owns the land. The city zones private land and public land within the city's exterior boundaries. This, the Indians contend, is the same authority and jurisdiction that the Tribal Council was intended to hold when reservations were federally created. One tribe can cite its treaty, an executive order, judicial and U. S. Attorney General decisions to support this contention as it relates to its reservation.

The Quinault treaty, signed by President James Buchanan on April 11, 1859, included the language: "No man shall be permitted to reside thereon without the permission of the tribe and of the Superintendent of Indian Affairs or Indian Agent." By executive order President Ulysses S. Grant established the exterior boundary lines of the Quinault Reservation within the area where the Quinault Indians have lived since long before recorded history.

There is also the ruling of the U. S. Attorney General that "the legal right to purchase land within an Indian nation gives to the purchasers no right of exemption from the laws of such nation . . . these nations (are fully authorized) to absolutely exclude outsiders, or to permit their residence or business upon such terms as they may choose to impose." And most explicitly, the Solicitor of the United States Department of the Interior has ruled that "over all the lands of the reservation, whether owned by the tribe, by members thereof, or by outsiders, the tribe has the sovereign power of determining the conditions upon which persons shall be permitted to enter its domain, to reside therein, and to do business."

This principle has been sustained by several U. S. Supreme Court decisions which the Indians are quick to cite when they are fighting to retain their historic jurisdictional authorities. In a recent opinion published by State Attorney General Slade Gorton he said enabling legislation would be required before the Legislature could recognize Indian Tribal Councils and the reservations they govern as public agencies or municipalities -- as regular governmental units.

A Lummi Tribal official told the Task Force, "We consider zoning on the reservation to be our right. We should be permitted to issue tribal zoning permits and enforce our zoning regulations without undue outside influence."

This sentiment is shared by the tribal officials of all the major Indian reservations in the State. They talked of "checkerboarded Indian land" which, because the federal government in 1887 arbitrarily allotted acreage to individual families in an effort to make farmers out of all Washington Indians, has been alienated from trust status and now is owned by non-Indians. If the counties exercise their land use zoning authority over these non-Indian lands within the reservations, the Indian comprehensive plan that each reservation has designed is hopelessly thwarted.

WE RECOMMEND THAT:

The State declare a policy of recognition of Indian Tribal Councils as legitimate governing bodies with full authority to regulate land use zoning within the exterior boundaries of the reservation.

The Legislature amend the Inter-Local Government Cooperation Act definition of "public agencies" to include Indian reservations as legitimate governmental units to be dealt with as are counties, cities, townships and incorporated villages.

County officials recognize Indian tribal governments control over all land within the exterior boundaries of an Indian reservation and, further, work with officials of Indian reservations in an effort to create zoning ordinances that complement rather than obstruct each other. In this way, mutually satisfactory comprehensive zoning plans for the entire area whether Indian-owned or non-Indian-owned may be developed.

Official tribal building codes for on-reservation construction be recognized by the State and its counties and that the State require that all construction by non-Indians on reservation land, whether alienated or in trust, meet the minimum codes and standards set by the tribe.

The State support the tribal governments efforts to have the Bureau of Indian Affairs assume the financial responsibility for surveying the boundaries of fee patent or non-trust parcels of land within the Indian reservations and require the non-Indian land owner to identify his property by posting signs along the boundaries.

CHAPTER SEVEN

TRIBAL FISHING RIGHTS

Although the State Department of Fisheries has been forced to modify its discriminatory restrictions against Indian off-reservation fishing because of both State and United States Supreme Court decisions in recent years, the long history of conflict between the State and Washington Indians over this basic treaty right has done more to inflame racial hatred and entrench hostility and suspicion against the State on the part of Indians than any other issue.

Armed confrontations between Puyallup Indians and Fisheries officials and Tacoma City police finally triggered a long-sought lawsuit by the federal government in behalf of the Indians against the State of Washington. At the request of the Secretary of Interior, the U. S. Justice Department is suing the State for abrogating Indian federal treaty rights by a long list of fishing regulations which have denied Indians their lawful personal, commercial and ceremonial fishing privileges. In enforcing these arbitrary regulations the State has harrassed, arrested, intimidated and threatened Indian fishermen. The State has released Indian-caught fish and confiscated Indian fishing gear and the City of Tacoma has razed lawful riverside fishing encampments provided for in several federal treaties.

To protect themselves from this physical oppression, some members of the Puyallup Indian Tribe armed in self defense when fishing. The resort to arms in defense of treaty rights is not an acceptable Indian response to acts of white oppression and the recent violent confrontation on the Puyallup River was decried by other Washington State Tribes. However, in an unprecedented act of Indian unity, the Northwest Affiliated Tribes adopted a resolution supporting the claims of the Puyallup Indian fishermen and demanded that the State recognize and honor treaty guarantees of off-reservation fishing.

In September and October of 1970, the State Fisheries Department, under direct orders from the Governor, created special Indian Fisheries on the Puyallup, Green, Nisqually, Quilieute and Hoh Rivers. The State did not permit the Indians unrestricted fishing in their treaty protected "usual and accustomed fishing grounds," but made an attempt to keep its restrictions reasonable in view of the conservation needs related to salmon runs. The State Game Department, however, did not modify its absolute denial of the right to take steelhead which the State has defined as a game fish. The Governor has no control over the Game Department which is controlled by the State Game Commission and financed almost entirely by the fishing and hunting licenses of sportsmen.

It is over the issue of Indians taking steelhead that white tempers flare and counter demonstrations raise their ugly heads. In October several white anti-Indian fishing protests on the Puyallup River resulted in arrests of white fishermen who had stretched a net completely across the river in violation of both Indian and State fishing regulations. The white fishermen protested that the Indians in their special State-authorized fishery were catching steelhead as well as salmon. The Indians and the federal government both contend that the State had no right to write a law which defines steelhead trout as a game fish exclusively nor to forbid Indians to catch steelhead which are reserved by treaty as much as are salmon.

The clause in the treaties which reserves to the Indians their historic right to fish in certain places outside their reservations is this:

> The right of taking fish, at all usual and accus-

> tomed grounds and stations, is further secured to said Indians, in common with all citizens of the Territory, and of erecting temporary houses for the purpose of curing, . . . Provided, however, that they shall not take shellfish from any beds staked or cultivated by citizens . . .

This paragraph taken from the Treaty of Medicine Creek of December 26, 1854, is identical to clauses in the Treaties of Point Elliott, Point No Point, Olympia and the Treaty with the Makahs, all of which were negotiated with the Indians of the tribes who fished on Western Washington rivers and streams in 1854, 55, and 56.

Only a white man who sees red when Indians fish with nets for steelhead could believe that these treaties limit Indians to the fishing regulations of the white fishermen. The words "in common" seen in their historical context of more than a hundred years ago, obviously were not understood by the Indians signing the treaties to be words limiting Indian fishing. Rather, they were meant to show the Indians' generosity to the white man.

Since these treaties were executed in the mid-1800s, these Western Washington "fish-eating" tribes have continued to fish for subsistence and for commercial purposes at their "usual and accustomed places." Such fishing still provides an important part of their livelihood and for some tribes with very small land holdings, their fishing tradition is the single link with their ancestral heritage that provides cultural identity. Forcibly preventing certain Indian Tribes from practicing their ancient skills in their historic tribal waters is denying them their claim to Indianness. Fishing is an identity issue with most of Washington's native Americans.

This is especially true of the Makah Indians of Washington's Northwestern tip, Cape Flattery and Neah Bay. The Makahs were seafaring Indians, whalers, seal hunters, deep sea fishermen. The Makah economy has always depended upon fishing. Today, a modern fleet of 10 fishing boats sustains a thriving Indian community, but only as long as the Makahs keep a vigilant eye on the overwhelming fishing competition. Because of flagrant disregard for Makah treaty provisions reserving the tribe's ocean fishing rights, the Makah Indians must employ at tribal expense a firm of highly sophisticated attorneys to constantly fight the legal battles of the tribe's economic existence. Last year the Makah Tribal officials persuaded the International Pacific Salmon Fisheries Commission to include Makah Indian representation in its membership. Indians should also be included in all other international fish commissions.

The basic issue being continually fought by the Makah Tribe is defining a reasonable and fair allocation of fish between Indian and non-Indian fishermen. The State makes the decision as to which fishermen will get how many fish and this decision is made without including any Indians in the huddle. The Indians repeatedly cited this inequity in testimony before the Task Force. The Makah salmon fishery, for example, is located in an area in the Straits of Juan de Fuca that accounts for only five to six per cent of the total U. S. catch. Almost 95 per cent are taken in the State designated Area 1 by other fishermen, essentially non-Indians. There is a total of 10 Makah Tribal fishing boats and a few small, outboard motor boats of private Indian fishermen. There is a total of 450 boats of all commercial types fishing in the same waters owned by non-Indian fishermen. Although different areas are reserved for Indian and non-Indian fishing in the international waters of the Straits, international restrictions which are endorsed by the State have made it almost impossible for the small Makah fishing fleet to operate in the black. The Makah fishermen told the Task Force they need a minimum five-day-a-week sockeye fishery because of the speed of the sockeye migration. The International Commission permits the Makahs only three days a week. The Indians believe the State could use its influence to get a more equitable share of the sockeye for the Makah Tribe if the State were as supportive of Indian fisheries as it is on non-Indian fisheries.

State officials testified before the Task Force that Indians have been invited to elect several Indians to represent the tribes of the State on the State Fisheries Advisory Committee. The Indians have been slow to make the appointments because, they testified, the committee is advisory only and therefore has no real power in policy making. They also stated that they feared only token representation on a commission in which they would always be outvoted.

The Indians have more interest in attaining positions on the very powerful State Game Commission which names the State Game Commissioner and which sets policy for the State Game Department. The Indians certainly were not invited to participate by the Department in this private commission that swings the political clout of a legitimate State body. A State Game Department official admitted to a member of the Task Force that his department, although operating with the full endorsement of the state as if it were truly a neutral, professional regulating body, is actually a board financed by and controlled by the private sportsmen of the state. He admitted that such a body does not find it to be in its own best interest to include Indians with conflicting fishing rights in its membership. However, Governor Evans recently appointed the Secretary of the Spokane Tribal Council, Mr. Glenn Galbraith, to the Commission.

The State has dealt with Indian treaty rights as though they had been conferred upon the Indians by the State as a gift or special privilege. The State has taken the position that these state-conferred special privileges could also be withdrawn by the State and that the State also has the right, even the obligation, to modify those rights and restrict them in the interest of the entire citizenry. The State has taken pride in its attempt to regulate fishing equitably among all the State's citizens. It has failed to recognize the fact that the treaty rights of Indians never belonged to the State in the first place. They were original rights held by the Indians before there was a state and reserved for themselves in an honored agreement with the federal government while Washington was still a territory.

The Indians are not ordinary citizens. They have prior claims to fishing that other non-Indian citizens don't have; and when the State treats Indians as if they were just like non-Indian citizens of the State, it is actually discriminating against the Indians by withholding their lawful rights from them. Indian fishing rights are property rights guaranteed by treaty as other properties are.

The State, directed by its own Supreme Court, is required to restrict Indian off-reservation fishing only to that extent which is necessary for conservation. But the State has not made in-depth studies that have determined exactly what and who are causing the deterioration of the fish runs and then imposed equitable restrictions on all offenders alike. The Indians know that highway building, dams, industry, gravel removal from spawning beds, flooding and many forms of agricultural and human pollution have depleted fish runs. They know that overfishing has occurred in Puget Sound and in the Straits of Juan de Fuca by the ever-increasing commercial and sports fishermen. The Indians know that not all the experimental forms of conservation practiced by the State have been successful. They testified of massive fish kills on and near their Sound and Ocean beaches which they knew the Indians had not caused.*

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*See footnote on following page.

The Indians testified to the Task Force that only 10 per cent of the total fish catch in the State is taken by Indians on and off the reservation. They scoff at the State's contention that the Indian fisherman is more guilty of depleting the fish runs than the non-Indian and must, therefore, have severe restrictions placed upon his tiny fisheries. The Indians also told the Task Force that each tribe has its own conservation practices and that it would be self-defeating for the Indian to knowingly and purposefully damage the fish runs that he depends on for a basic tribal economy.

State Fishery officials also testified before the Task Force. They described nylon nets that they said are almost 100 per cent escape-proof and are capable of taking an entire run of chinook or coho if placed strategically in the river at the crucial season. While admitting that their conservation studies are not as complete as they wish they were, they contended that they have accurate records of years when the Indian fisheries on certain rivers did, in fact, almost wipe out salmon runs when the fisheries were unrestricted.

But the officials had no answer to the Indian protest that the State restricts Indian river fisheries which are easy to regulate while permitting the fishermen in the Straits and in the open waters of Puget Sound to freely fish the same runs that are regulated when they reach the rivers to spawn.

The U. S. Justice Department and the Department of the Interior have united to protest the arrogant action of the State against Indian fishermen and tribes. The federal officials have taken their case from the Indians into federal court with this charge:

> The State and various of its officers and agents have seized nets and other property of members of the tribes and have harrassed and intimidated and threatened or caused to be arrested and prosecuted tribal members for allegedly violating State laws or regulations pertaining to fishing or having in their possession fish which were taken by Indians

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* A 1938 study made by the State Department of Fisheries entitled, "Report of Preliminary Investigations into the Possible Methods of Preserving the Columbia River Salmon and Steelhead at the Grand Coulee Dam" acknowledged the drastic loss of salmon caused by the great dams: "... the fact that the construction of this dam would strike a serious blow to the Columbia River fishery was overlooked by the public ... the stock of salmon spawning in some 1,100 miles of river and tributaries was to be permanently destroyed. There was a feeling that the vast economic gains to be derived from this project should not be endangered by consideration of the fish. It was even felt in some quarters that the fish were not worth the money that it would take to preserve them." Thus the spawning beds on 1,100 miles of rivers and tributaries were eliminated. Besides the great dams, a great number of small dams close off the upper reaches of many small streams where salmon spawn. In addition to dams, rivers are changed by diversion into irrigation where fish are often trapped in ditches, by straightening and dyking for flood control, by road building and logging operations, by construction and land clearing and by the erosion triggered by many of these activities. The taking of gravel from stream and river beds destroys spawning grounds, logging causes land slides into streams and stream blockage by debris. Direct fish kills by pollution of streams, such as the 1965 White River disaster caused by flushing operations at Mud Mountain Dam on the White River where the Muckleshoot Indians have off-reservation fisheries, are less common than the pollutants which exhaust the oxygen in the water and make life for fish impossible.

> in the lawful exercise of their rights secured by treaties. The State has confiscated or released fish belonging to tribal members which had been taken under treaty provisions and the State has interfered with, obstructed and attempted to prevent the transportation of and sale of such fish. The State has otherwise harrassed and interfered with tribal members in the exercise of treaty fishing rights and State officials assert their intention to continue to do so. But in so doing, and in threatening such action against the Indians the State, its officers and agents are acting wrongfully and in derogation of rights secured by treaties.
>
> As a result of these wrongful acts of the State the tribes and their members are being unlawfully deprived of their treaty rights and privileges and immunity to fish at many of their usual and accustomed places and have suffered, and will continue to suffer, irreparable damage.
>
> The tribes and their members have no adequate remedy at law because the damages which have been sustained are not susceptible of monetary determination and in the case of criminal prosecutions, the Indians have no remedy at all except at the risk of suffering fines, imprisonment and confiscation of property, involving a multiplicity of legal proceedings.

The federal agencies cite the Indian treaties as law superior to State law because this definition of treaty law comes directly out of the Constitution of the United States. Article VI, Paragraph 2 of the Constitution states:

> . . . all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.

WE RECOMMEND THAT:

The State declare its official policy to be full recognition of the supremacy of federal Indian treaty law over State law as it relates to Indian fishing in "usual and accustomed fishing grounds" off the reservation.

Before the State attempts to regulate in the interest of necessary conservation any Indian fisheries, the State meet with respective tribal governments to determine whether or not the proposed regulation is both reasonable and necessary for the conservation of fish, with the burden for proving need and extent of regulation to be borne by the State rather than the Indian who has borne that burden since the days when this State was still a Territory.

The State, in its attempts to regulate fishing for the entire citizenry, deal with the Indians and their fishing rights as a separate and distinct group with rights different from those of the rest of Washington's citizens. This could mean that, in its efforts to conserve fish resources in the Indians' usual and accustomed fishing grounds, non-Indians fishing in those rivers might at critical periods be prohibited when Indians were not.

The State Game Commission follow the example of the State Fisheries Advisory Committee and invite tribal officials of the state to elect their representatives to the Commission. We recommend that this Indian representation on the Commission be at least one-third of the total membership so that the Indian voice may be influential and to avoid the legitimate charge of tokenism.

The State Fisheries Department and the State Game Department be directed by the Governor and the Legislature to begin immediately to employ and train Indians as fish biologists, game wardens and for other strategic positions in these two State agencies which deal directly with crucial Indian affairs. This will require a strong outreach and on-reservation recruitment effort by sensitive fisheries and game agency personnel.

The State Legislature revoke the State law which defines steelhead trout as strictly a game fish or modify the law to except Indians from its prohibitions which abrogate treaty rights of Indians.

CHAPTER EIGHT

INDIAN WATER RIGHTS

The State of Washington is issuing to non-Indians permits to use water on Indian reservations that is clearly owned entirely by Indians and which is located on federal trust Indian land.

This capricious action is in violation of the enabling act in the Washington State Constitution; it is in clear violation of at least two court decisions (the Supreme Court's Winters Doctrine and the Yakima Indian Ahtanum Creek decision by the Ninth Circuit Court)* and it clearly violates both historic federal treaty rights and the common law riparian claims of prior ownership based on first possession.

The State uses a 1963 Superior Court Case as justification to administer waters within Indian reservations. The Tulalip Tribe in 1963 brought suit in the Snohomish County Superior Court questioning the State's authority to issue a permit on water flowing through the Tulalip Reservation. The court held that the State has authority to administer water which is surplus to Indian needs, as these are in effect public waters. The Tulalip case was not appealed and has no standing as State law, yet the State now arbitrarily and capriciously determines what are "surplus" waters on Indian lands without consulting the Indians who own the streams. The Indians have no part in decisions designating water surplus to their own need and their future needs are not considered at all.

The state has also absolved itself of the responsibility of finding out exactly what the Indian water rights are. And the State issues permits to non-Indians which authorize them to use available water "subject to existing rights" without ever defining what those "existing rights" might be. This amounts to multiple invasion of common law, federal treaty law, the U. S. Supreme Court decision in the Winters Doctrine on Indian water rights and even Washington State Constitutional law. In the State of Washington Enabling Act approved February 22, 1899, Section 4, the State Constitution says:

> ... the people inhabiting said proposed States do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States ...

Land and water rights are inseparable. When the Indians ceded great tracts of their land to the government they reserved to themselves certain portions. This reserved land required adequate water to develop and sustain it and those water rights were also reserved by the Indians for themselves. The State has recognized this fact in its Water Code of 1917 which authorizes State jurisdiction over public waters only and excludes those waters on Indian reservations. But because of its economic and political power the State has been able to violate its own laws with impunity, knowing that the politically impotent Indian nations can be exploited.

In actual practice the Indian's rights to the use of water are being rapidly eroded away by those claiming use under the guise of compliance with State law. "Surplus waters" are being diverted and non-Indian economies are being built upon them. This practice has given rise to a Western Indian truism about water and the State -- "use it or lose it."

On the Colville Reservation there is a small stream which arises within and flows completely within the boundaries of the reservation and which has an Indian owned watershed. It is called Bridge Creek. Three years ago the State issued a permit to divert water from this stream for irrigation over the strong protests of the stream's owners, the Colville Indian Tribe. The State insisted it is authorized to administer "surplus water" from Indian streams -- a contested right arising from the Tulalip Indian water rights case. But Bridge Creek is now dry. Bridge Creek has always been dry in parts of every summer. The Indians logically ask, "How do you administer the surplus water in a stream that is dry?"

On the same reservation another small stream and its watershed entirely owned by the Colville Tribe has been supporting the dairy enterprise of a non-Indian since 1948 when the State illegally issued the dairy farmer a water permit. This man cannot be expected to give up his water and close his dairy voluntarily. So the State has forced the Indians to go to court to fight a long and costly legal battle to win back what was illegally taken from them almost a quarter century ago. In the intervening years the Indians have lost the use of that water and the productivity it could have supported for the tribe.

The Spokane Indians own Chamokane Creek on their reservation but the State has issued a permit to divert water for irrigation from this stream. This use of the Chamokane Creek has been repeatedly refused to legitimate Indians of the Spokane Tribe because, in the greater interest of the tribe, the Council has decreed the beautiful stream is to remain natural for fishing, recreation and scenic beauty. The Water Resources Branch of the State Department of Ecology has arbitrarily given away Chamokane Creek water in the amount of 1100 gallons a second. The Spokane Tribe has pointed out to the State that it has tribal lands similarly situated to those of the non-Indian to whom the permit has been granted, that could benefit from irrigation, but has forbidden its members to divert the precious unpolluted waters for such purposes.

The Spokane Tribe contends that protecting its own streams for uses it deems superior to irrigation does not permit those priceless waters to be defined as "surplus" by the state.

The Indian tribes of the State are forced to use up all their reservation water through irrigation and other measurable "beneficial uses" in order to establish their right to use it at all and save it from theft by the State.

The State is also guilty of overappropriating waters to the extent that if all the use permits were applied at the same time the stream or river or lake would be totally drained. A current example is the permission, illegally granted by the State, to go ahead with the proposed Kennewick Reclamation Project on the Columbia River. The foremost water resources expert in the United States, William Veeder of Washington, D. C., has declared that if funds are awarded to finance the Kennewick Project, it will "rape the Yakima Nation."

The Kennewick Irrigation Project uses Yakima River water downstream from the Yakima Indian Reservation. A proposed extension to the Kennewick project would irrigate an additional 600 acres of non-Indian land but the water required for this proposed extension would be dependent upon the flow off or return from the Yakima River water used to irrigate the Yakima Indian lands upstream as well as waters of the Satus and Toppenish Creeks, both entirely owned by the Yakima Nation. The Kennewick extension would cost $7 million and would drain 1,125 cubic feet per second of Yakima River water which has already been overappropriated. This extension project has been authorized by Congress but has not been funded.

The Yakima Indian Wapato Irrigation Project also sought an extension that would increase irrigation area by 5,000 acres within the Reservation using Yakima River waters. But this extension would only cost $625,000. This extension has been written into the 1971 Bureau of Indian Affairs budget as a direct result of the approved exploitation of the Yakima Indian water resources. The Yakima Nation now is fighting to prevent the Kennewick extension from robbing the reservation of waters for several planned Indian irrigation and hydroelectric economic programs.

James Hovis, Yakima attorney for the Yakima Indian Nation, explained to the Task Force that the Yakimas have more than 134,000 acres of land suitable for irrigation and development, which still does not benefit from the streams that run through and are owned by the Yakima Tribe. The Indian Tribe also is inadequately irrigating 138,000 acres. The tribe has 156,000 acres under adequate irrigation. It has plans for irrigation projects that would use waters from the entirely Yakima-owned Toppenish and Satus Creeks and is considering a combination irrigation and hydroelectric development which would use waters of the Klickitat which are now reserved by the Indians for fisheries and recreation.

Economic development of the Yakima Reservation depends entirely on an adequate future supply of water. Without water the reservation cannot provide a viable economic base for the Indians. That is what Veeder means when he speaks of "raping the Yakima Nation." This is what the Indians mean when they talk of "termination." Because if the reservation land base is robbed of the resources which nurture it and sustain it the Indians are forced to abandon it and find a way to survive in the non-Indian mainstream.

The same water specialist points out that the Lummi Indian Tribe which has a nationwide model aquaculture project in Lummi Bay in Puget Sound faces damage to its fishery because of water pollution which enters the Sound through the Nooksack River. The Lummis also have aboriginal claim to the Nooksack from which the industrial pollution backs up into Lummi Bay where the fragile fish farming is being done.

Veeder asserts that the rights of the Lummi Tribe have been violated by the State because of state permitted appropriation of Nooksack River waters and by pollution from the industries which got permits from the State. The Lummi Tribal Council Chairman told the Task Force that if present water use permits are applied to the Nooksack River there would be 120 percent depletion of the river by 1975.

The Indians asked the members of the State Task Force, "If the quality of the water is bad, what good is the right to use it?" Pure water quality is a right just as much at issue as is water quantity. The Indians are not adequately protected against non-Indian caused water pollution which affects their streams.

The Portland Area Director of the Bureau of Indian Affairs, Mr. Dale Baldwin, told the Task Force that a special federal law provides for states to enforce quarantine and sanitation laws on Indian reservations. But the State can't tax Indians to finance such sanitation enforcement and he contended that it is the responsibility of the State to clean up its own resources before demanding that Indians do the same.

The State is currently issuing permits to non-Indians to dig wells on fee patent land within the boundaries of reservations. Although the fee patent lands within Indian reservations are no longer in federal trust status, there is a legal question as to whether or not the Indian who sold the land to a non-Indian retained the water rights. The United States Supreme Court has ruled that Indian Tribes who have ceded their lands to the government retain their rights to all natural resources such as fishing rights in their traditional "usual and accustomed fishing places." But in the absence of a specific ruling as to who owns the water rights, the State has taken it upon itself to assume State authority even within the bounds of the reservation. The Indians claim authority to issue water and land use permits within the exterior boundaries of their reservations.

Indian Tribal officials told the Task Force they object to what they described as "hunting permits" issued by the state which allow non-Indians to seek water for private use that may or may not belong to the Indians. The permit makes a vague reference to "prior and existing rights" which may be variously defined. When a non-Indian drills a well or irrigates a stream in Indian country under such a permit it becomes necessary for the Indian who owns the adjacent land and the water rights to go to court at his own expense to prove his prior right to the water. The Indians justifiably insist that it should be the burden of the State to prove the Indian does not have a claim to the water before issuing permits for its use.

Underground waters support and feed surface waters. Indians claim the subterranean water rights on Indian land and on non-trust land if it lies within the exterior boundaries of the reservation.

All of the major Indian reservations in the State of Washington have begun gathering water inventory data to discover the extent of the present water needs for tribal economic, fishing, recreation, irrigation and other domestic uses. The professional water needs surveys are being conducted by engineers funded by the Tribes, Bureau of Indian Affairs and the United States Geological Survey. They will document water needs on the reservations to the year 2020. The inventory may take three years to complete. When the surveys are completed the Indian Tribes will be able to show the State how much water they will need and a reasonable estimation of "surplus" water may be ascertained.

WE RECOMMEND THAT:

The Governor declare a six year moratorium on issuing permits to use water that is on or adjacent to Indian reservation lands. A moratorium would allow time for the Tribes to complete their water plans which could then be included in a complete statewide water plan.

The Governor declare a State Indian Water Rights Policy which recognizes the existing, prior and immemorial rights of the Indians to all water which arises on, flows through, borders or lies under Indian land as defined by the boundaries of the Indian reservations. Such a policy would require that the State, not the Indian, bear the burden of proving that there is no Indian claim to available water on or near Indian land.

The State Department of Ecology Water Resources Branch invalidate all water use permits now held by non-Indians which purport to authorize use of water on or under Indian reservation lands in all those cases where the non-Indians' use of water is not approved by the affected tribal government before 1972.

The State Department of Ecology Water Resources Branch invalidate all permits presently held but not in use by non-Indians.

The Governor direct the Water Resources Branch of the Department of Ecology to increase its number of Indian employees and seek out Indians who can be trained to fill policy-making positions within the Department.

Indian water resource specialists and their tribal consultants be included in all future water use planning by the State since the waters in rivers which flow above Indian reservations have a direct impact on the economic base of the reservation. If river water is drained off or redirected above the reservation, the waters that flow through must be adequate for the needs of the Indian tribe or the treaty protection of his water resource is rendered meaningless and he loses his land base through defacto termination.

All water pollution commissions named by the State to protect the quality of the State's waters include Indian representation.

State bodies dealing with water quality and quantity create a working relationship with Indian Tribal Councils in order to assure that regulations controlling water quality and quantity both on and off the reservations will complement each other rather than overlap or conflict. This will require that State resources officials build sensitive, professional contacts with Indian Tribes.

CHAPTER NINE

EMPLOYMENT AND ECONOMICS ON THE RESERVATION

A Washington State Senator visited the Makah Indian Reservation last summer, looked at the waters of the Straits of Juan de Fuca alive with the richest runs of commercial and sport salmon in the Northwest, the unique beaches owned by the Indians on which the rare and beautiful olive shell is found, the hills covered with timber and the spectacular scenic views, and made this observation to the State Indian Affairs Task Force: "We can give a million dollars to build an exhibit for the state to ship to the Japan Exposition to bring us some trade but we are sitting on top of a gold mine right here and doing nothing at all to develop it."

The State Senator expressed dismay that the State Department of Commerce and Economic Development has shown no interest in either assisting the Makah Tribe to build a viable economic base on the reservation nor in developing the tremendous potential for tourism which is so obvious.

State government has simply ignored Indian reservations as a potentially rich cultural asset. The Commerce and Economic Development Department has kept no files on tax benefits which accrue to the firm that locates on federal trust land, nor on the abundant manpower resource available on every Indian reservation in the State. The department has overlooked the tourism potential of every Indian community -- the worldwide fascination with the American Indian as a native, the American aboriginal with ancient arts and culture and life style intact. Although the state has produced an unimpressive brochure about Indians, the advertising potential for the state has been virtually untapped, often with Indian consent.

Not every Indian tribe in the state wishes to attract tourists to its reservation and such Indian options must be respected by all non-Indians. But many of the state's tribes which own prime beaches, abundant rivers, verdant forests, unrivalled scenery, archeological digs, and historic rocks and sites are eager to have them properly developed so that they may be appreciated by all Americans. But the tribes do not have the funds to invest in such development and they are unwilling to permit exploitation of these priceless assets. The state has failed to provide such assistance to its Indians and both tribes and state have been the losers for this neglect.

Private industry has also virtually ignored the economic benefits of location on tribal trust land. The single reservation in the state that has significant experience with reservation industry is the Yakima Indian reservation. Tribal Chairman Robert Jim described industry on the Yakima reservation to a member of the Task Force. He said:

> We sell our timber to three different logging companies under a sustained yield logging program. We cut about 157,000,000 board feet a year (mostly Douglas Fir). One sawmill is located on the reservation and two off. Quite a few Indians are employed in the sawmills as loggers, but you see, many of the Indians don't want to be loggers -- any more than they want to be farmers.
>
> We have 120 acres of industrial parks. The factory makes chairs and furniture. White Swan Industries. It is owned by Sequoia Woolen Mills in Oklahoma. They hire 134 Indians out of 178 employees. The return to our tribe in wages in an 18 month period was over a million dollars. Besides, we own the land, we own the building, we get about $80,000 in rent a year. They have many of our Indians taking courses to manage. Some for lead men and super-

> visors and we have a few already in the offices.
>
> Every city and community wants industry, but the incentive here was the tax-free building. This is an Indian-built building on Indian trust land so it made the lease just a little bit lower and was the incentive for bringing them here. The other facet of it was the abundant work force here. Some of the Indians who are on the reservation are those who couldn't make it off. Who had to come back because here they can hunt, fish, and put away fruit -- this they have here and they didn't have anyplace else. They couldn't hold a steady job because they didn't have the education and the training for it. So that is the labor force. Now they are back home and we have a factory here. Most of them have tried it again and it has been working. They know they can cut corners by hunting right here anytime they want, putting deer and salmon away.

William T. "Bud" Schlick, Bureau of Indian Affairs Superintendent for the Yakima Indian Agency, reported that, as a direct result of the employment of Yakima Indians in private industries which have located on the Yakima Reservation, Indian children are attending school all year long who hadn't been before their parents were employes. Also, Indian families were taking out bank accounts in state banks, and relations with the state-imposed law and order enforcement personnel were improved because they felt there were fewer idle Indians standing around on the corners of reservation towns and fewer being arrested for being drunk and disorderly.

There are only five privately owned factories on Washington State Indian reservations and one of those is currently closed and another operating at reduced levels.* Just off the Kalispel Reservation in Northeast Washington is an Aluminum Box Company which was established in April, 1970. The plant employs a total of seven, four of whom are Indian. The firm manufactures a carpenter's tool box and expects to expand soon into other types of tool boxes. In Wellpinit on the Spokane Reservation is the Suntex Veneer Corporation, recently sold to the Boise Cascade Company which produces wood veneer which is then shipped to plywood plants. During the recent lumber price depression the plant closed but has now reopened employing eleven of whom seven are Indian.

In addition to White Swan Industries on the Yakima Reservation, Cascade Western, Inc., in Toppenish has been in production since February, 1968. It employs 74 of whom 19 are Indians. The firm manufactures outerwear garments. The Yakimas are negotiating to establish another privately owned industry on the reservation.

The Cape Flattery Company, Inc., at Neah Bay on the Makah Reservation, was operated by Indians who owned 25 per cent of the firm. It went into production of fish protein meal made of trash fish and used to fortify livestock and poultry feed. The processing plant, built in Seattle on a surplus Navy ship and towed to Neah Bay because of the transportation costs involved in the remote location, in October of 1967 began processing the fish protein concentrate and fish oil from hake and other scrap fish so plentiful in the Straits. The plant is closed now and future plans for it are undisclosed. It is owned by a Canadian firm. What is known is that the fish meal processed by this plan needs only one further step to be refined into high protein food for human consumption. It could be used as a tasteless, odorless, easily transportable food additive to enrich the nutrition-poor diets of the millions of people who make up the nearly two-thirds of the world's population suffering from lack of this protein. The State Department of Commerce and Economic Development should be interested in the fact that in 1966 the Russian catch of this high protein trash fish, hake, in Washington's coastal waters totaled three hundred million pounds. The Soviets, according to their own reports, have taken a completely latent fishery off our own coasts and turned it into a fully utilized one. Now the United States has adopted a new fishery zone which makes it illegal for foreign ships to fish within twelve miles of the coast, so the hake harvest is there for the state to troll and process and market throughout the world. The Makahs are there to provide skilled fishermen. Perhaps what the Canadian firm failed at, the expertise of the State of Washington could perfect with the help of its native citizens.

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* Most of the research which served as the basis for statistics cited in this chapter was conducted during the summer and fall of 1970.

A report to the Task Force by the Bureau of Indian Affairs, Portland Area Office, indicated that in March of 1970, on all of the reservations under Bureau jurisdiction in the state, there were 1,000 adults unemployed, 1,507 employed at temporary jobs and 1,598 working in permanent jobs. That means almost one-fourth of the employable Indians living on or near reservations are unemployed and worse, more than one-third only briefly employed. It raises the appalling possibility that at certain off season times of the year almost two-thirds of the employable adult Indians on reservations are out of work.

On the Spokane Reservation last March, largely because national economic conditions caused the closing of business on the reservation, there were almost three times as many Indians unemployed as had jobs. In the Nooksack community those unemployed equalled those employed both temporarily and permanently. The record was almost as dismal with the Nisqually Indians and on the Yakima Reservation, where there is more Indian employment of all kinds than anywhere else in the state. 571 were out of work and 915 only temporarily employed. Only 754 of the 2,240 employable adults held jobs defined as permanent.

Across the nation the Indian labor force of 120,000 suffers almost a 50 per cent rate of chronic unemployment. Unemployment among all non-whites in the nation other than Indians is about 7.5 per cent during non-recession times and among whites during ordinary times the figure is about 3.5 per cent. Because of limited skills, much Indian employment is seasonal or Indians find themselves underemployed through temporary jobs. Only 10 per cent of the nation's Indians have incomes of $5,000 per year. Half the nation's Indians have incomes under $2,000 per year. That is $1,000 below the national poverty level. In fact, national studies by the Economic Development Administration this year show that a whopping 74 per cent of the American Indians have incomes below the $3,000 poverty level.

Most Indians are unwilling -- and as yet probably unprepared -- to leave their lands. And national and state policies should not force Indians to do so. Moreover, Indian migration to cities in large numbers and without adequate training merely increases the number of urban unskilled unemployed and results in urban Indian ghettos. Such Indians, no longer eligible for federal assistance under their trust status, find they are neglected by the state and cities who feel they are not responsible for them because "the BIA takes care of Indians." Indians also suffer racial discrimination off the reservation, a fact that was duly documented by the Washington State Board Against Discrimination in testimony before the Task Force.

Off reservation migration of Indians in the country, for all causes, amounts to about two per cent of the population in any year. Indians have the highest birth rate of any group, minority or white, in the nation -- 41.9 births per 1,000 population. Although infant mortality rates are also eleven points higher for Indians than for all others and 20 per cent higher than for middle class Americans where high sanitation standards prevail, still the birth rate on Indian reservations spells explosion. Superintendent Schlick put it this way:

> The tribe has got to be able to maintain and develop its resources simply as an economic base. Because they don't see and I don't see any time coming soon when there's going to be a big decrease in the reservation population. Right now the average per capita income is considerably lower than the country. It's low! We're working to expand the Yakima's industrial park of 114 acres which includes a water system and railroading. But right now the critical problem is water rights. The future development of their land depends on water.

The state's violation of treaty protected Indian water rights has been dealt with in some detail in a previous chapter. The relationship to a viable reservation economy of present and future protection for these immemorial rights is obvious. Every tribe and reservation indicated a deep concern over this issue in testimony before the Task Force. Several tribes have instituted extended water needs studies and are cataloguing water resources to use as scientific documentation in the court battles that loom between Indian tribes and the State of Washington if a new state policy recognizing these treaty rights is not implemented immediately.

Specific economic and employment problems reported to the Task Force by the Indians throughout the state included:

A need for training by the State Employment Security Department and other man-power programs that are designed to place Indians in jobs -- too many are heading for the vast pool of the trained and skilled unemployed in the state.

A need for job openings to be better publicized among Indians and in Indian communities where non-Indian news media may be ignored and which are remote from the posted listings in unemployment offices. Tribal newspapers and BIA newsletters and Indian community meetings were suggested as effective media for reaching Indian ears.

The state and federal government must become the employer of last resort to meet the severe crisis in minority unemployment. The state is ideally suited to fill this role for Indians because of the agencies dealing with natural resources with which the Indian has a natural rapport. The State Department of Fisheries, the State Game Department, the Water Resources Department, the State Park and Recreation Department, The State Department of Ecology, The State Board Against Discrimination, the Public Assistance Division - to list a few which are especially relevant to Indians. Created jobs may well be meaningful and dignified, both Indians and state officials testifying before the Task Force agreed. They must also be year-round jobs, not the seasonal cycle which already plagues the Indian family.

To lure private industry on to the reservation the state needs to provide special tax incentives or to provide a direct grant or revolving fund to subsidize the private firms as Puerto Rico does in its successful Operation Bootstrap. Perhaps a state tax incentive would require a Constitutional amendment.

Cattle rustling in Okanogan county which involves the ranges of the Colville and Spokane reservations is running virtually unchecked by the state, Indians complained. Some Indian cattle owners suggested that the State Agriculture Department needs to re-examine its branding requirements in a move to tighten up the security of the herds which are presently sustaining severe losses from sophisticated rustling techniques.

There are practically no free Indian legal services offered on reservations of this state. Indian tribes employ expensive non-Indian law firms to represent them in claims against the state and the federal government but the nuisance civil cases and the important family and marital cases of individual Indian families are unrepresented because of the high cost of the law. California State has an extensive Indian Legal Services program similar to the free poverty law centers in the urban centers of this state. The Indians stressed their need for free civil law representation on reservations. The Indian entrepreneur, the small businessman on the reservation, the smoke shack operator on the reservation with his tax exceptions -- all need a low priced legal service.

Although there are Indian recruiters employed by the State Department of Employment Security, they are too few and their territories are much too great to cover adequately, according to their own testimony. They also told the Task Force that the employment counseling on Indian reservations needs to be extended to orient the Indian people to the world of work and to motivate them -- programs tailored to Indians the way hardcore employment counseling is tailored in the cities to other minorities.

Day care programs which are directly tied to training and employment efforts need to be provided on Indian reservations.

The Indians said they have great trouble getting into union apprenticeship programs and that these programs discriminate against older men.

Since the majority of Washington State's Indians are fishermen and many tribal enterprises are fish related, the commercial competition between the small Indian fisherman and the big non-Indian commercial fisherman becomes a fight for survival for the Indian. The Swinomish tribal spokesmen testified of unethical competition by non-Indians who fish in shared waters and of collusion between them and fish buyers in the area which resulted in loss of sales as well as smaller catches for the Indians whose tribe depends on their catches and sales for economic survival. Others described the competition with white fishermen who have elaborate equipment and use it to fish in "the only waters the Indian has."

Neither the State Fisheries Department nor the State Game Department have a single Indian in a policy making position. Neither, in fact, has a respectable ratio of Indians employed at all. The Fisheries Department, following the Task Force hearings, reports that it is providing significant Indian slots within its ranks for this coming biennium, but the Game Commission remains adamantly closed to Indians. Game Department officials reported that their positions are so popular that the normal competition for job openings usually militates against the Indian applicant.

The State Department of Personnel testified to aggressive current programs for minority hiring and described the innovative Selective Certification process which permits vacancies in specialized areas relevant to racial minorities to be filled, at the request of the agency director, by a member of a specified race. This new program has much to commend it. It does require the cooperation of state officials of the various agencies, however, and is vulnerable to those state personnel who purposely or through apathy, neglect to use the system. All names which may be considered for this selective certification must come from the regular competitive register -- a handicap which limits the eligibility of Indians.

The Governor is to be highly commended for issuing a directive to the state departments and agencies that they are to employ racial minorities as a standing policy with each agency reporting a five per cent minority ratio by the end of the summer. The State Department of Personnel has an entire division of minority specialists. The State is attempting to place a minority specialist in each state agency which employs 200 or more. Under a state-won federal grant the Department of Personnel is re-evaluating all 1,700 job requirements imposed by the state on its employees to look for ways to adapt or modify the job qualifications, testing, and oral exams, to make it possible to hire the man or woman best qualified in areas not wholly dependent upon facility in language arts.

The State Civil Service System came under criticism for imposing white cultural bias on its tests and requirements under the merit system. The adaptations to the Merit System must be made by the State Personnel Board. Another criticism was applied to the practice of holding all Civil Service exams for state positions in Olympia, remote from most of the reservations. Indians have a severe transportation problem and public transportation does not serve most of the reservations. Another problem is the once-a-month pay check for Indians who often can't hold out that long when starting a new job.

The problem of unemployment and inadequate economic base within Indian communities is definitely the most significant single hurdle for the Indian at this time. With adequate, meaningful employment, many other serious problems are resolved automatically. The state would be relieved of law enforcement, welfare, health, and many other burdens if full and fulfilling employment were to be available to all her citizens. The following recommendations are aimed at bring this ideal closer to the Indian peoples within the state who suffer most from unemployment.

WE RECOMMEND THAT:

The State Legislature place a high priority on the enactment of legislation revising the Inter-Local Cooperation Act to include Indian Tribes in the definition of public agencies and such other revisions to the act as may be necessary to make that change effective. Implementation of this recommendation would allow Indian Tribal governments to coordinate with city and county governments presently included in such organizations as the TRICO Economic Development District.

The Economic Development Administration, or other appropriate federal agencies provide funds to development groups such as TRICO for the purpose of hiring development specialists to work with the Indian Tribes for those programs desired by Indian Tribal governments.

A legislative study reporting on alternative or complementary incentives that can be extended by state government, using its current level of resources, to businesses for locating outside urban areas in rural areas near or on Indian reservations.

A legislative study of appropriate levels and sources of funding for the creation of economic development districts or regional councils with the capability of lending money to businesses willing to immediately locate within the State but unwilling to wait for federal assistance which often is available but exceedingly slow in coming.

The State retrocession of jurisdiction to the federal government and the Indian Tribes to the extent that the tribe would be able to promulgate and pass planning and zoning ordinances which would have full force and effect over all lands within the exterior boundaries of the reservation so that the economic development plan of a reservation cannot be nullified by the non-Indian use of non-Indian land which is by a State Attorney General opinion under the zoning authority of the State.

The Legislature fund a study of the advantages to businesses of location on Indian reservations and the funding of the Washington State Department of Commerce and Economic Development for publishing of the report and its distribution to all new businesses interested in locating in this State.

A Regional Development Authority within the Department of Commerce and Economic Development which generally would exercise these powers: Extension of a sales tax credit to plants located in economically distressed, low-growth areas on a reservation; insurance of mortgage loans secured by industrial projects which have received the approval of tribal governments; and loans to Indian tribes for the acquisition and development of industrial land as well as for public works planning on projects which conform to tribal land use plans and begin in the next five years.

CHAPTER TEN

WASHINGTON INDIANS AND PUBLIC ASSISTANCE

The problem of unemployment and the lack of an adequate economic base within the Indian community is the most significant hurdle for the Indian at this time. To the Indians who testified before the Task Force, however, state welfare was second in importance to state imposed jurisdiction in law and order and land zoning. But unlike the jurisdiction issues, the Indians did not ask for a return of welfare authority to the tribes, but rather, that the state take aggressive action to humanize its welfare services, staff and eligibility requirements. The Indians asked that the state take immediate steps to halt practices that violate the law and the privacy of Indian individuals and families. The Indians also demanded that the state cease what the Indian interprets as state appropriation of federal funds belonging only to the Indian. This is the policy of the State Public Assistance Division which takes the federal trust funds, paid in some tribes either annually or quarterly to their enrolled members on a per capita basis, to subsidize the state for its maintenance of Indian foster children. There are no welfare cash grants made to Indians by the federal government.

As the Task Force visited the various reservations in the state and listened to Indians voice their grievances, and to state officials describe their services, it became apparent that there exist widely divergent attitudes toward the state's first citizens on the part of district welfare directors. Perhaps the most startling contrast in attitudes was revealed in hearings conducted on the Makah Reservation and the following week on the Swinomish Reservation.

The Makah Indian community is situated on the Northwest tip of the state 72 miles away from the nearest Public Assistance office. Of the Makah Tribe's 558 members living on the reservation, 43 families or 122 individuals are on welfare. Of these families, 31 are on general assistance because they have dependent children. When Secretary of State A. Ludlow Kramer asked the State Public Assistance District Director responsible for serving the Makah Reservation why there was no welfare outreach station located on the remote reservation to provide welfare assistance to the Indians as the Division of Public Assistance has done in the state's urban ghettos and in the areas where migrant workers are concentrated, the Public Assistance official told the Task Force: "I feel most of the people know where we are, who we are, and what we offer and where to find us."

The official said that State Public Assistance can't afford to go out looking for people to assist nor appear to be "overly generous." He added that Public Assistance regulations and standards are so complex, and they change so often that the welfare intricacies are so difficult to learn that a workshop to teach Indian welfare aides would be inadequate. He insisted that oversimplifying the requirements to applicants causes problems.

Several Indian community health representatives who have outstanding records in serving the community for the Indian Health Service clinic, asked the official to call them into his office 72 miles off the reservation and train them to serve his office on the reservation among their people. He told them it would be too difficult. He protested that he didn't intend to infer that they were incapable of learning but that such a procedure would "cause too many problems."

The Indians did not betray their resentment at this blunt rejection but asked the State Public Assistance official very politely how, then, they as community aides could become aware of these "difficult things." The official finally conceded that there is an outreach program which would permit welfare workers to man outstations. He did not offer to establish one on the Makah Reservation, however.

The same official, when asked why his social services workers and financial eligibility specialists still tell Indians who apply for assistance that they must sell their trust lands before they can qualify, indicated that he considers trust land allotted to individual Indians as an asset that should be deducted from the welfare grant to that individual. This view is in direct opposition to the policy of the Division of Public Assistance as defined by State Secretary of the Department of Social and Health Services, Sidney Smith, to the Task Force. Smith explained that Indian trust land, which is not saleable without permission of the Secretary of the Interior, is not to be held as an asset deductible from a welfare grant.

The opposition to this departmental policy on the part of the district official who is responsible for the Makah Indians was expressed by him like this: "If trust Indian lands do not make Indians ineligible for Public Assistance, then we run the risk of non-Indians getting their lands under trust status so they too can qualify for welfare."

The Task Force was appalled to find at this high level in state service agencies such ignorance as to what is required to win federal trust status, an evident prejudice based on the myth that citizens are eager to "go on welfare" and let the state support them, and the evidence that communication within the state agency could break down so completely to the inestimable injury of the agency's clients.

The same Public Assistance official described obvious needs he could observe on the reservation from his remote office 72 miles away. They included a sales outlet for food stamps, a group home for Indian children, a foster home program on the reservation, a home service program for the elderly and disabled, and an Indian elderly foster home program. He had taken no action to establish any of these services, not even the food stamp sales. When asked why not, he said the Indians would have to request it to get the service. The concept of outreach and the idea that the state has adopted a philosophy of providing basic social services to all its citizens were alien to him.

The official's prejudiced and obsolete attitude stood out in stark contrast to the enlightened and sympathetic approach to her job evidenced by the welfare administrator in the Anacortes district which includes the Swinomish Tribal land base. This latter Public Assistance official not only answered probing questions by the Task Force with a knowledge that revealed her awareness of cultural distinctions between Indians and other welfare clients, but described to Indians assembled for the hearing several important welfare services they qualify for but were failing to take advantage of. This Public Assistance official is noted for her willingness and ability to cut through red tape to find innovative and speedy responses to the needs of her clients.

The inadequate service and discriminatory application of welfare services offered in several districts in the state also contrast sharply to a commendable State Public Assistance Division Project on the Lummi Indian Reservation. A description of this unique welfare effort has been included in this report in Appendix V. Here it will suffice to describe briefly the program's essential reforms as a comparison to the general attitudes and performances of local level welfare officials across the state. The following quotation is the rationale for the welfare experiment and is indicative of the revolutionary aspect of this project:

> It must be agreed, on the basis of the living conditions

> and level of employment on the reservation, that our present service and delivery system have not met the needs of this community. The Lummi client remains in his world of poverty and alienation, while the white community regretfully shakes its head, wishing it could somehow "reach" the Indian and improve his way of life in the manner he thinks it should be improved.
>
> The present indictments of our welfare system challenge us to be as innovative and imaginative as possible if we are ever going to meet our responsibility for human services. Based upon our past experiences with the Lummi Indian people, we feel very strongly that the casework model traditionally associated with welfare agencies is at best ineffective with Indian people. The cultural and anthropological aspects of the needs and problems of this group must be recognized; the agency must listen to what these people envision as their needs and their problems and act accordingly; and the focus of our activities must be expanded to include the community as well as the individual.

The project combines several new ideas in the delivery of services including an outreach station on the reservation, a professional-paraprofessional team approach, a practical "here and now" problem solving approach which focuses on the community as well as on the individual and a career ladder which provides a means for the Lummi people to assume operation of the out-station within five years when their paraprofessionals have been trained.

The division of labor between the team working out of the welfare out-station will be flexible so that the team is able to function almost as a single entity to focus its combined skills on a single problem or a constellation of problems. The team has committed itself to a pragmatic approach rather than the usual go-by-the-book rigidity.

Another significant reform in this experiment is indicated with this quotation:

> It is of the utmost importance that we bear in mind that sanction for the team's involvement in social welfare planning must come from the tribal leadership, i.e., the Tribal Council. Community planning must be done in conjunction with, and with the approval of, the Tribal Council. This does not suggest, of course, that the Tribal Council will tell us how to run Public Assistance; it does not mean that our presence on their land must be approved and supported by them. Our failure to remember that this is their land, their people, and their problems, could result in the loss of support from the very people we're trying to help.

The total cost of this experiment for one year is $64,247, all of it provided to the state from the federal government. It provides a dramatic example of what the state could be doing to provide meaningful social services to Indians when state officials are willing to recognize that Indians are different from non-Indians. A statewide uniformity of welfare service delivery is not, in fact, equal service at all. Given the special trust status of Indians and the government's pledged responsibility to meet the health and welfare needs of Indians, not to provide specialized services to this special group of citizens is to discriminate against them.

Typical grievances voiced by the Indians who testified before the Task Force included the inability to get Public Assistance to enforce child support laws in cases where Indian mothers had been abandoned by their husbands, often non-Indian husbands. Indians complained of confidentiality abuses in which private information about Indians and Indian families was exchanged between Bureau of Indian Affairs and Public Assistance workers. They said eligibility inquiries are often simply snoop questionings with too many irrelevant inquiries. Forms to be filled out by the elderly to qualify for Old Age Assistance, if completed improperly the first time, resulted in entirely disqualifying the applicant for assistance.

They said there are practically no Indians employed by Public Assistance at the case worker level or as eligibility specialists who deal first with the Indian applicants. There is a language barrier with some tribal people. And the non-Indian social workers and intake specialists are insensitive to the Indian cultural distinctions. A Yakima tribal leader told the Task Force:

"My people are sensitive. They want to go to an office and not be afraid. If someone says no and doesn't say why, they walk away and don't come back."

On every Indian reservation the complaint was voiced that welfare case workers and local officials do not have a clear understanding of Public Assistance policy which permits trust land held by Indians to be excluded from the list of assets for which deductions are made. There were repeated reports of abuse of this exception. Indians are told by eligibility specialists and others who deal with them directly that they must sell their trust holdings to qualify. The Indian usually does not know that this is untrue and too often he insists on selling his portion of the tribe's precious land base in order to provide food, shelter and other vital necessities for his children.

Foster child care administered by the Public Assistance Division raised many serious complaints by the Indians. One graying Indian woman of the Muckleshoot Tribe had won a 13-year battle to quit heavy drinking so she could get her seven children back which the state had placed in foster homes off the reservation -- only to have her 16-year old daughter return home pregnant by the white man who was head of the foster home. Others spoke movingly of the cultural rape that drove wedges between the tribe and its children when they were removed by the state from the reservation and placed in white homes "outside." The Indians asked for help in seeking revised licensing requirements so that the cultural distinctions and traditions which dictate a different standard of living will be recognized as legitimate. Then there would be more Indian foster homes available right on the reservations where the transplanted Indian child could grow up with his tribal peers, attend the Indian church, participate in the Indian feasts and athletic competitions and dances and rituals. He would not be torn between two cultures and lose his personal security and self concept as a worthwhile Original American.

His tribal per capita payment, his portion of the tribal income from trust lands or from the extinguishment of title to lands owned by his tribe, would be safe from exploitation from the state if he were placed in a tribal home. The question of the legality of the state acting "in loco parentis" for the Indian child (which it has claimed as its responsibility arbitrarily and usually against the will of the tribe) has not yet been tested in a Washington State court. But the 1855 Treaty of Point Elliott which was negotiated by Governor Isaac Stevens with more than 22 Western Washington tribes, states very clearly in its Article 8: "The annuities of the aforesaid tribes and bands shall not be taken to pay the debts of the individuals."* A highly placed state Public Assistance official has defined the daily foster care maintenance of the Indian child as "his debt to the state for the cost of his care." The child's tribe wants to see that trust annuity saved for the child's post high school education and available to use for special expenses that would enrich his experience. The Indian tribes feel strongly that the state has no right to assume an "in loco parentis" (in place of parent) relationship with Indian minors. They believe this relationship belongs rightfully to the elected Tribal Council.

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* Appendix VI contains the full text of the treaty.

Unemployment rising as high as 80 per cent on some reservations during some off-season months because the historic subsistence economy of fishing and hunting and digging shellfish is still the basic way of life for many Indians, means that especially in winter a high proportion of Indian families are on welfare. Excluding the Indian blind, totally disabled, and the elderly who qualify for Old Age Assistance, in June of 1970 there were 510 cases of Indians living on or near reservations on Public Assistance and these 510 cases covered 1,653 persons. According to the enrollment figures for all Washington State tribes furnished by their Tribal Councils, there is a total of 19,364 Indian persons in recognized Washington State tribes. Of course, there are Indians living on reservations who qualify for state services who are not enrolled in recognized tribes.

The total number of Indian welfare cases, including the blind, the old and the totally disabled, was 694 families including 1,906 individuals in June, 1970. The figures may be slightly inaccurate but they serve to point up the significant place in the life of the average reservation Indian played by the Public Assistance Division of the State of Washington.

WE RECOMMEND THAT:

The State Department of Social and Health Services, Division of Public Assistance, when requested to do so by the tribal governments, establish welfare outreach facilities or outstations on all Indian reservations in the state so that the social services will be accessible to the Indians who have major transportation problems. We further recommend that these outstations be manned as much as possible by Indian personnel.

All monies from Indian trust allotments and any other trust income be excluded from resources to be deducted from the Public Assistance grant. These federal trust monies and land are the special Indian estate protected by treaty and by federal law from exploitation by the state and private interests.

The State redefine its regulation which permits the Public Assistance Division to act "in loco parentis" to the Indian child who is placed in foster care. We urge the legislature to amend the law to read "subject to the will and regulations of the tribal government where the tribal council declares its intention to take such responsibility and when the child is an enrolled member of an Indian tribe in this state."

The welfare requirements and regulations defining the standards for foster homes be adapted for Indian children to be more relevant to Indian standards, traditions and desires. We protest the uprooting of Indian children from the tribe and reservation and transplanting them into white, middle-class homes far from the reservation where they lose their ties with their tribe and, of equal importance, their individual Indian identity. We urge that the state assist tribal governments in establishing group homes for Indian adolescents on Indian reservations.

Local level welfare staff be required to attend in-service training sessions designed to sensitize them to the cultural distinctions between Indian and non-Indian cultures. And that the staff be educated as to the basic privileges granted to Indians under federal law, federal treaties and by imposed state jurisdiction.

The State Personnel Department's selective certification process be more aggressively applied to Indians so that more Indians will be hired and trained to fill strategic positions within the Public Assistance Division.

The State Legislature allocate funds to implement the 1968 Amendments to the Vocational Rehabilitation Act which provides special work adjustment services to socially and culturally disadvantaged persons.

Citizens support the Urban Affairs Council recommendation that State and local government officials urge Congress to pass legislation which would institute a "guaranteed annual income."

Citizens support the Urban Affairs Council recommendation to State agencies in general and to the Department of Social and Health Services in particular that they expand their intern programs to include recipients of state services -- specifically welfare clients. The Public Assistance Division already does this on a limited basis. We recommend that such interns and client auditors be increased substantially within the welfare agency.

CHAPTER ELEVEN

INDIAN HEALTH IN WASHINGTON STATE

There is no Indian hospital in Washington State and no Indian Health Service advisory committee to advise the administrators who handle the contracts with private physicians and hospitals which serve the Indians of this state.*

There are no drug rehabilitation programs for Indians, no Open Door Clinics on Indian reservations and no homes for unwed mothers. A token federal grant of $37,000 to hire and train native alcoholism outreach workers at several Western Washington Indian reservations was awarded recently by the Office of Economic Opportunity and the great Yakima Indian reservation has recently increased its one-man alcoholism program to four caseworkers. Indian Health Service has recently provided alcoholism rehabilitation opportunities at Sundown M Ranch on the Yakima Reservation for six patients this year. The IHS will also provide alcoholism treatment for one woman patient this year at SWARF, a rehabilitation center at Vancouver, Washington. But the 1968 arrest record on drunk charges along for the Yakima Reservation totaled 2,904.

Despite the Washington State Indian treaties which spell out the government responsibility to provide health care services to the tribes which surrendered their only asset -- their land -- in exchange for these guarantees, Indian mortality and disease statistics are shocking.

Out of every 1,000 babies born to Indian mothers, 37 die before they are a year old in this state. The national average for Indian infant deaths is 32.2 in 1000. The rate among whites in the state is less than 18 infant deaths per 1000 live births. Infant mortality among Indians is almost twice as high as among whites. And over the past five years the infant mortality rate among Indians averaged much higher -- almost 47 deaths out of 1000 live births. On individual reservations it ranged as high as 51 deaths out of 1000 as recently as 1968. In the decade of the 1960's more than 10 per cent of all Indian births in this state were premature.

Middle ear disease, Otitis Media, has replaced Tuberculosis as the leading disease among American Indians. This disease damages the ear and often causes total or partial loss of hearing. It is directly related to educational difficulties.

Last year in this state there were 1,541 cases of Otitis Media among Indians on reservations alone. This was an increase of 881 cases over 1967. And the largest number of cases are on some of the smaller reservations in Western Washington where there are more physicians, surgeons, specialists and sophisticated hospitals than in other parts of the state.

Strep Throat and Scarlet Fever, assumed by the average white American to be forever banished because of modern medicine and miracle drugs, were diagnosed in 881 Washington State reservation Indians last year.

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* This is true despite the fact that health services were guaranteed to the Indians by treaty, have in some measure become a State responsibility and are one answer to the problems raised by national and State economic and employment policies. For a study of laws pertaining to health services for the Indians of Washington State, see Indian Health Services, a recent 42 page publication of the Planning and Community Affairs Agency, Office of the Governor authored by Philip A. LaCourse.

Skin infections and Impetigo among reservation Indians in the state totaled 450 cases last year, and Scabies, Ringworm and Pinworm pushed that total up to 486. These diseases are usually directly traceable to poor environment, bad housing, over-crowding, lack of sanitary facilities and other "unusual" living conditions which are not at all unusual on Indian reservations.

There were 136 reported cases of Gonorrhea, 250 cases of Pneumonia, and 12 cases of Tuberculosis which has not yet been eliminated in spite of a concentrated government effort to wipe it out among Indians.

Although the Indian Health Service has no complete statistics on Arthritis for Indians on the state's reservations, the unusually high incidence of this crippling disease on the Yakima Reservation is being studied by a special team of investigators from the University of Washington Medical School.

Poor nutrition among Washington's Indians has been recently studied on two small reservations by a team of federally funded medical doctors, but the findings of high starch, low nutritional value diet cannot fairly be projected to describe all the Indian tribes of the state. However, diseases thought to be primarily a result of poor diet such as Gastro-Enteritis totaled 479 last year.

There had been 333 cases of mental disorders on Indian reservations reported in 1970 with one-third of the year yet to go. Washington reservation Indians attended by doctors for accidents, poisonings and violence added up to 2,384 for the same period. Usually mental health statistics are heavily weighted by problems on the reservations with alcoholism and the growing problem of drug abuse which was reported to the Task Force by Indian leaders. Accident and violence statistics also rise alarmingly as a result of alcohol and drug misuse among Indians.

Although the Task Force heard from tribal leaders from almost every reservation in the state that alcoholism is a serious problem, programs to combat it and to prevent it have been so inadequate as to make virtually no impact on the problem. The urgent need for such programs was detailed by Indian spokesmen, and the Indians had ideas for how to carry out rehabilitation, but in each case the funds to operate programs were not available. *

The Task Force asked Indian witnesses at the reservation hearings why alcoholism is a prevailing problem among virtually all the tribes. Several reasons were given, none of them understood or recognized by the white who tends to lump all redmen under the epithet, "drunken Indian." Primary among the causes is a cultural clash which results in loss of Indian identity. The Indian is forced to walk in two worlds and is not permitted to choose which he prefers to live within. He usually prefers to remain Indian, but the economic situation on his reservation and the public educational system into which he is programmed, combine to force him off the reservation and into the white man's alien world. There he must adapt -- or in his mind, conform and compromise -- in order to survive and compete. He becomes neither Indian nor white man but something less than either, and often he learns to hate himself.

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* The Small Tribes Organization of Western Washington (STOWW) and the Yakima Indian Nation appear to be about to receive federal funds for alcoholism programs. Also, groups on the Makah and Colville reservations are attempting to tackle the problem so vigorously that they too may eventually become the beneficiaries of federal funding.

Although many of Washington's Indian tribes disapprove of drinking alcohol and several strong Indian religions as well as popular Protestant faiths followed by many Indians forbid drinking, liquor is always easily available just off the reservation.*

Even Indian youth find beer and harder alcohol easily obtainable. With the ambivalence of law and order jurisdiction on Washington reservations, they defy the law, and many Indian children drink excessively. Washington tribes have suffered serious problems of teenage suicides within this decade due to the lethal combination of loss of identity, enforced idleness, and availability of liquor.

An alcoholism specialist who deals with off-reservation Indian alcoholism here testified to the cultural difference which makes Indian alcoholism more visible than white alcoholism. He said there is less social stigma attached to drinking among Indians -- less adverse judgment directed to the Indian excessive drinker by his peers. An Indian may be an alcoholic and still be accepted by the other Indians as a worthy individual and may even hold a high position politically within his tribe. It is an admirable social tolerance but, unfortunately, it does not lend itself to forcing the Indian with an alcohol problem to come to grips with it.

The drug culture is beginning to invade the smaller, Western Washington tribes, several reservation spokesmen testified. The Indians resent this infiltration of the white man's poison, and they are ill equipped to deal with it. There is no federal program for dealing with drug abuse among Indians. The Indian children of Washington State are forced to attend the public schools where this dangerous subculture is entrenched and spreading. The Indians prefer segregated education. Escaping the drug subculture is one important benefit of all-Indian on-reservation schools.

Doctors with the Indian Health Service, which has established medical clinics on the major reservations in the state, report that Indian poverty causes severe health problems such as seriously impaired hearing which may hinder the education of Indian youth. This can lead to an inability to become usefully employed and to a sense of failure and low self-esteem which are directly related to alarming national statistics which place Indian homicides, suicides and lethal accidents well above those for other Americans.

Another health problem in Washington State among Indians is inadequate dental care. Reservations are in most cases remote and isolated. Transportation is a problem. Medical doctors and dentists are scarce in those areas. Poor teeth lead to other more severe health problems.

Why should medical and health problems be so pervasive and severe among Indians when the government, federal and state together, are legally obligated to provide health services free to all tribally enrolled Indians who live on or near reservations?

Dr. C. S. Stitt, Director of the Indian Health Service for the Northwest, told the Task Force that the potentially ideal contract-service delivery program administered for Washington State reservation Indians has several serious defects in practice.

He said the Indians run into discrimination which is expressed both overtly and subtly. Most Indians are not accustomed to being regular patients -- they most often go to see a doctor only when they are quite sick. And many medical doctors in the state are operating closed practices. They are too busy with their regular clients to add new patients to their caseload. This practice excludes the Indian.

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* Few Indian communities, like that at La Push, sold liquor "at home" to prevent problems arising from off reservation drinking.

So where does the Indian go? Many obstetricians are so overworked and busy that they refuse cases -- often the Indian patient finds herself in this unlucky minority. As a result, the prenatal and postnatal care of Indian mothers breaks down. The Indian Health Service has tried to follow up with its doctors, but the Indian woman finds it confusing to have two doctors.

Dr. Stitt pointed out that public health nurses are strategic to the services offered by Indian Health Service, but many private physicians will have nothing to do with them. Doctors complain that public health nurses make medical judgments they are unqualified to make. And there is "a philosophical barrier to cooperation between the private physician and the public health nurse," he said. "Most private physicians are opposed to state medicine, and that is what public health service is. Such a bias can't help but have an adverse effect upon the Indian," Dr. Stitt said.

A serious problem with IHS is the fixed limit on dollars for each patient under the contract system which imposes limits on the services the patient can obtain free. If there were an Indian Hospital in the state, there would be more flexibility in this respect, Dr. Stitt pointed out. Also, any Indian who shows up at a clinic or Indian hospital run by the IHS will be treated and his credentials as an Indian investigated later. This is not the practice of the private physician who treats Indians under contract to the State Public Assistance Department or the IHS.

The IHS has two mobile dental clinics in the State of Washington now. If funds were available the reservations could use several more. There is no full Indian hospital in the entire state, and Dr. Stitt predicted the chance of getting one is "dismal." He said that this chance would be immeasureably increased if the State's Congressional delegation decides that it is necessary and takes action through the Congressional budgetary process to get an Indian hospital.

The threatened closure of the U. S. Public Health Service Hospital in Seattle means that an average of about 25 Indian patients who have been receiving all of their care including doctor's fees for $40 per day under contract arrangements with the Indian Health Service will have to be transferred to other hospitals at more than twice the daily cost. Dr. Stitt estimated that the increased yearly cost to hospitalize these Indian patients in community and private hospitals would be $365,000 more than the fixed allocation now being received by the IHS for the Northwest. The closure of the Seattle public health facility would also exacerbate the existing problem of overcrowded hospitals. It means loss of free medical facilities for an urban Indian clinic which is sponsored by an all-Indian service organization and staffed by Indian medical doctors and medical professionals.

Many Indian spokesmen protested to the Task Force that state agencies, such as the Division of Public Assistance, "want to play the court of least resort" to Indians.

Indians told us, "They take the attitude that if you're rejected by all other agencies, then we'll see what we can do for you." Although Public Assistance has the same responsibility to extend medical benefits to Indians as to other state citizens, it tries to evade this responsibility by sending Indian applicants to the Bureau of Indian Affairs and Indian Health Service and to private agencies before extending aid from the state. Such discrimination makes the Indian feel as though he is considered a second-class citizen rather than the original citizen as well as tax-paying citizen that he is.

The Indians told the Task Force they believe it is the responsibility of the Public Assistance Division to take affirmative action to cooperate with the Indian Health Service so that health care is coordinated and the gaps in service now existing would be eliminated. State and County Public Health Services are writing a better record in this area, but there is still much that County Health Departments can do if they would define reservation Indians as tax-paying residents of the County.

Federal funds administered by the State Law and Justice Committee have by-passed Indian reservations because County and City sponsoring groups have not recognized the Indian tribes as their responsibility. In imposing State jurisdiction over the reservations, the State and its Counties have caused certain health-related problems, but they have not assumed the job of curing those problems. The State's Vocational Rehabilitation Division has virtually ignored the needs of Indians on reservations, although Division employees testified to the needs and the Divisions interest in doing so.

WE RECOMMEND THAT:

The State, at the recommendation of a tribal government, establish a multi-service center on each Indian reservation to provide an umbrella or one-stop agency for administering the various social services for which Indians are eligible. This center should include Public Health services offered by the state, food stamp sales, vocational rehabilitation services, alcoholism and drug treatment, agricultural extension services and Public Assistance medical services.

The State Department of Social and Health Services create a special alcoholism program to serve the unique needs of Indians. Such programs should be designed and administered by Indians, include preventative care as well as "patch-up" rehabilitative efforts and recognize the cultural ambiguities which contribute to the alcoholism suffered by some Indians.

The state medical services to Indians, either through Public Health or the Division of Public Assistance, make use of the successful Community Health Representative concept devised and practiced by the federal Indian Health Service. CHR's are employed by the tribal council under a contract with the Indian Health Service. The same procedure could be employed for providing state or county services.

The State Division of Public Assistance reassess its role related to the delivery of medical services to the Indian and redefine the Division's policy to formally and officially meet Indians' needs on the same basis as it serves other citizens.

The Division of Public Assistance take positive steps to work with the Indian Health Service to wipe out the gaps in medical service that presently exist.

The State Legislature, the Governor, and the state's Congressional Delegation unite to work to obtain a large Indian Health Service Hospital which would offer the Indians of the state services which are being withheld from them by private physicians and hospitals because of overt and subtle discrimination and because of legitimately overloaded medical practices.

CHAPTER TWELVE

WASHINGTON INDIANS AND THEIR EDUCATION

In the State of Washington there is only one truly all-Indian school, at Taholah on the Quinault reservation, with specialized Indian curriculum and Indian-oriented teaching methods, with an all-Indian school board which hires and fires all faculty for the school, all within the setting of the traditional American neighborhood school concept.*

But there is one and the children who are enrolled in it, when compared to those Indian children who are processed through the white, middle-class system of the other schools in the state, clearly demonstrate that it is the Indian school on the Indian reservation, run by Indians their way that offers the Indian child "a fighting chance." Most other schools have a consistent record of programming Indian children to failure although few have taken steps toward change.

A Yakima Indian woman testifying before the State Legislative Education sub-committee on minority education last year said to the panel of educators and legislators:

"I don't know how you would take it if you were processed through an Indian life the way we are processed through your culture and education. You are trying to turn us into your ways. An Indian must learn about himself."

To help the Indian child of the Yakima Nation "learn about himself" the tribe has contracted with the Bureau of Indian Affairs to carry on each summer, high up in the Yakima hills which are closed to the white man, an extremely popular and academically successful all-Indian summer school.

The Taholah school sends its students to an all-Indian operated summer school deep within the reservation interior, because its Indian school board and the sensitive school principal they hired recognize that it requires more than six grades of elementary educational preparation to fit an Indian child for survival in the highly competitive, abstract world of the white high school.

There is a vocabulary deficit because the Indian community is isolated. Many Indian children live in homes that house three generations and usually the grandparents still speak the native language. This is especially true among the Yakimas. Although the children speak English, it is often an adaptation of the language and ingrained forms of Indian grammar and construction must be understood before new language forms can be taught.

In many tribes for an Indian child to show curiosity before an adult is thought to be rude. Yet the entire motivation in the white classroom is curiosity. The teacher hopes to elicit questions. The Indian child often fails to respond to this teaching technique.

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* Although our report here deals largely with the rural reservation Indian, we do not want to ignore the Indian student who, through no fault of his own and normally, no fault of his parents, resides in other areas and thus, attends urban or rural schools. These students often are equally or perhaps even more neglected as concerns pride in their culture and heritage. This is due to some extent to the regulations which disallow funding to those schools enrolling non-federal Indians. Therefore, many of the recommendations made here should apply to all schools enrolling even one Indian child.

And there is a sense of honor among some Indians that the competitiveness of white society has never recognized. Principal Harold Patterson of Taholah School cited incidents of Indian children in classes he has observed pretending they didn't know the answer in order to share in the failure of one among them who was asked and couldn't supply the correct answer. When an Indian child is put on the spot, often his peers will close ranks around him to save his self esteem.[1]

The Taholah School Principal explained: "The Indians have security within their own society and when they are forced into the mainstream they feel very uncomfortable so they withdraw to protect themselves. They find the public school system is structured and designed to make something out of them other than Indians. He may be there physically but he has withdrawn and is not participating until finally he just drops out."

Indian high school students drop-out in appalling numbers. A drop-out study made by the Portland Area Bureau of Indian Affairs education office for 1962 to 1967 indicated an Indian student drop-out rate of 38.5 per cent.[2]

The study was of Indian students who were in the eighth grade in 1962. In that year only 2.2 per cent dropped out. In the ninth grade 9 per cent dropped out and in the 10th grade the drop-out rate rose to 18.5 per cent. After that the rate declined slowly. But too few go on to college and those who do, drop-out of higher education at an even higher rate.

Studies made by the Bureau of Indian Affairs on Yakima Indian students between 1966 and 1970 indicates that the holding power of the public schools serving the reservation has improved in the past two years, probably directly due to the boost given the Indian children by their summer Camp Chaparrel Program. The 1970 junior and senior class enrollments indicate a drop-out rate of 19 per cent for junior and 25 per cent for seniors. In 1966 only 47 per cent of the seniors graduated. Last June seventy per cent of the seniors graduated.[3]

However, the pattern which shows clearly the Indian student has become disillusioned by the time he is a high school sophomore still shows in the Yakima study. In 1970 there were 126 tenth graders but only 75 seniors. Why?

Patterson said the Indian student drops out at that point when he sees there is no relevance in his education to what he sees as his role in life on the reservation and when he realizes that he is not functioning on a par with his white peers. The Indian student has come to the realization that, for reasons he doesn't understand, he can't seem to successfully compete with the white kids and he withdraws from school.

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[1] Also, a number of Indian children who at home learn not to question adults may be embarrassed for the teacher "who certainly should have the answer to such an easy question."

[2] In a letter to the Task Force, Ms. Virginia Brown, Education Specialist for the Small Tribes Organization of Western Washington, offered the following comments: "We would challenge the quoted 38.5% Indian student drop out rate in spite of the Bureau of Indian Affairs study. ... it relates only to 'predominately Indian' and 'on or near reservation' schools. Documented evidence, however, indicates that, for instance, only 58% of the Indian youth between the ages of 14 and 17 years residing within the confines of the Auburn School District are enrolled in school as opposed to 87% of the non-Indian youth in the same age group. This would indicate that in excess of 38.5% at some time dropped-out of school. Our information supports a high percentage of between 85 and 90.".

[3] The figures may be slightly inaccurate because of the small number of students who move away and cannot be tracked to find out whether or not they enrolled in a school outside the district.

He probably had been placed in one of Washington's many "special education" classes which, despite the euphemisms applied to them, all carry the stigma associated with what the kids themselves call "classes for dumb kids." The Task Force heard about cases in the state where children with cultural and language handicaps were placed in with retarded students and treated as though they couldn't learn. Other schools have set up special classes on the continuous progress concept but invariably the special class was regarded by the slower student as socially degrading. Makah tribal leaders protested that remedial courses often are ineffective and haven't, in fact, proven their value. The Indian spokesmen called for preventive educational programs that would eliminate the need for "bonehead English" and other special education classes that type their children as slow learners.

In particular the Indians asked for teacher training programs that will turn out educators who understand and can relate to Indian children. The State Department of Public Instruction has finally added an Indian member to its staff to coordinate Johnson O'Malley funds. The teacher-training institutions are not turning out either Indian teachers or white teachers who are adequately educated in sociology and anthropology, history from the Indian viewpoint, contemporary Indian government and Indian rights, psychology of minorities, counseling techniques for minorities nor in specialized teaching methods that will draw out non-white students who are products of an essentially intuitive and non-competitive culture.

There is a new Indian studies program at the University of Washington but it is so underfunded that it is unable to hire more than a token Indian faculty. There is a special teacher training program in the University of Washington School of Education designed to provide this needed coursework for teachers who will teach Indian students, but that program, too, is stunted by low priority funding. The Western Washington State College cluster school and ethnic studies experiment is a step in the right direction as is the Central Washington State College effort for Mexican-American and Indian students through its Center for Indian and Migrant Education on the Yakima reservation. In a few years these efforts will begin to make a significant impact within the state, but in the meantime, the thousands of tenured teachers in our public schools will continue to contribute to the shocking Indian drop-out rate unless decisive action is taken to re-educate them.

Another request made repeatedly to the Task Force was for support of the Indian desire to bypass the state in obtaining federal Johnson O'Malley funds for their local schools. The Johnson O'Malley funds are those monies paid to the states for the purpose of enhancing the public school education of Indian children. The schools also receive federal impact funds in lieu of property tax revenue receivable if Indian land could be taxed by local government, when they serve Indian reservations. The Area Office of the BIA in Portland sends the Johnson O'Malley funds to the State Office of Public Instruction. The funds are then dispersed to the superintendents of those school districts which serve Indian children. In some school districts the school superintendent, school board, and principal determine, usually without any Indian parental input into the decision, how the funds will be used.[1] The Indians have documented many instances in which their children do not benefit as much from these special federal Indian funds as do non-Indian public school children. They demand a voice in the use of these funds. This desire is so uniform among Indian tribes across the nation that the President has written a special bill which will be submitted to Congress in 1971 asking that the law be changed to permit Tribal Councils to receive these funds directly.[2]

WE RECOMMEND THAT:

Whenever an Indian tribe desires, the Bureau of Indian Affairs contract directly with Indian Tribal Councils to administer all Johnson O'Malley funds.

Citizens support a call for an independent, preferably Indian, study of the causes and extent of Indian student drop-outs so that an Indian-designed program to solve this severe problem may be drawn up for widespread use by all interested parties.

The State Superintendent of Public Instruction order the preparation of course curricula for the public schools, subject to Indian involvement and review, which is revised to present a fair, full and honest treatment of the Indian role in the ceding of the Northwest. The curricula should afford recognition of Indian contributions to the arts and culture of this area and most importantly give all students an understanding of the legal position and rights of Indians today including their special relationships to state and federal governments.

The State initiate public school children of all races into Indian culture and arts through Indian teachers. Such native teachers should not be required to have high level degrees which, earned in the white educational system, tend to rob the Indian of his ethnic identity.

The State Superintendent of Public Instruction and the State Board of Education authorize academic credit for curriculum in contemporary Indian government, Indian history and Indian culture.

The State develop an alcoholism and drug misuse prevention course to be included in mandatory health education courses in the public schools. Also, in schools where Indian students are enrolled in significant numbers and in schools on or near reservations, the school administration should work with the tribe and the Indian Health Service to design an alcoholism education course that is relevant to the special Indian tolerance and attitude toward this problem.

The public schools on or near Indian reservations introduce into their curricula the teaching of tribal law and government, an aspect of social studies highly relevant to the development of Indian youth.

The expansion of existing vocational education programs into the elementary grades and the introduction of courses that are directly related to work Indians performed on reservations. We also recommend that school counselors in predominantly Indian schools be trained to raise the career sights of those they advise so that more Indian youth will be motivated to attain a college education.

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[1] A number of Advisory Johnson O'Malley Parent Committees, with membership approved by the schools rather than the appropriate tribal councils, continue to be created and offer some "Indian input."

[2] A 1936 Amendment to the Johnson O'Malley Act allows for direct contract now.

Schools employ a greater number of community aides from the Indian communities and that more career-ladder opportunities be created, including certification for these para-professionals.

That the prohibition against special markings on free lunch tickets for grade school children be strictly enforced.*

All teachers contracted to instruct as well as all counselors in the public schools of the State of Washington be required as a condition of employment to successfully complete courses in Indian culture and heritage in order to provide them the proper background to understand and appreciate the unique role of the Indian in the white oriented society of today and to better fit them to relate to that role. Although this requirement would undoubtedly serve to discourage the out-of-state teacher applicant, it could possibly encourage other states to follow suit.

Additional vocational high schools be initiated in areas easily accessible to the Indian; that these schools offer courses directly related to tribal interests and tribal development plans. This would assist in providing the Indian expertise required to develop Indian resources and oriented programs.

For the Indian student as well as the non-Indian, special "Drop-Out" schools or programs be commenced. These programs should be administered in a manner conducive to the need for a relaxed, pressure-free atmosphere permitting the students to achieve at their own rate without the stigma of being classed as "slow learners." Although this would not eliminate the drop-out it does deal with how to return the drop-out to the educational system. Adult education night courses are normally closed to the drop-out until such time as his class has graduated. Although it is recognized that there is a distinct value to this regulation, it denies educational opportunity to that student who is unable, for whatever reason, to remain in school.

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* In certain schools where this law is violated the children suffer the stigma of taunts from other children and the accompanying decline in self-concept.

CHAPTER THIRTEEN

THE WASHINGTON INDIAN AND HOUSING

On the Lummi Reservation there are 171 Indian homes. Of these, 154 are sub-standard. About 40 per cent of them are heated with wood. Another 40 per cent with some form of bottle gas. Fourteen are not hooked up with electricity. They have either kerosene lamps or bottle gas for light. Thirty of these homes do not meet the minimum sanitation requirements for raw sewage as defined by the Health Department. There are only four wells to supply water to the entire community.

On the Yakima Reservation 400 houses need replacement or major repairs. That amounts to 30 per cent of the Indian homes on that large reservation. The federal government has approved a low rent housing project to provide only 60 new units and 25 more off the reservation in a Yakima Indian enclave at Rock Creek.

There are Lummi Indian families and families of the Nooksack Tribe living on the flood plains of the Nooksack River, the historic ancestral lands of these peoples. They built their homes there and they do not have the money nor own land to which to move and rebuild them. Periodic flooding of the Nooksack River routs them out of their homes and severely damages their personal property. When they return to their homes they find them in shambles. Emergency measures by the Red Cross and the Salvation Army provide temporary shelters for the flooded-out families in Bellingham during the recurring washouts, but there are no funds for restoring their homes. On Nooksack trust land eight Indian homes are being renovated by the Bureau of Indian Affairs. But the Nooksack Tribe is almost landless, without a reservation, and low on the priority list for attention from the BIA which must serve a total of 22 tribes in Western Washington through a single BIA agency.

Sixteen of those 22 small tribes in Western Washington have united in a common interest to form STOWW, Small Tribes Organization of Western Washington. In a report made by STOWW Housing Specialist Charles McEvers to the Task Force, it was learned that almost 80 per cent of the 7,000 to 8,000 Indians who make up STOWW are low-income persons who live in sub-standard housing. Just to meet the need of the low-income families in this organization, 1,000 houses in Indian communities must be replaced or given major renovations. In addition to the low-income Indian families, many others of moderate income are unable to arrange financing to obtain adequate housing and in too many cases the Indian families of all income ranks find that home financing is stymied because of their unique Indian trust status.

Typical of the housing problems of the Western small tribes is this situation on the Muckleshoot Reservation outside Auburn. King County Executive John Spellman was looking into the Indian dilemma in his jurisdictional area when he visited a family whose 25 adults and children share three one- and two-room shacks in the trees just off a major highway. The windows were broken, there was no electricity or running water. The Muckleshoot Reservation is fragmented and divided, with boundary lines disputed, and white business interests have crowded the Indians off some of their valuable near-urban lands. The County Executive found that his Health Department had legitimate jurisdiction over the area and could provide some sanitation assistance such as rodent extermination and garbage service. But the County housing authority programs would have to find a way to cut the red tape which effectively bars poverty housing from being erected on federal trust land.

Certain problems of land status and management must be resolved and an alternate system of collateral for housing loans must be developed which will somehow bypass mortgaging Indian land. Because of their special regard for the land and their almost mystical, perhaps spiritual, attachment to it, many Indians will not give a real estate mortgage for fear of losing title or because they just don't want their land divided. This is a legitimate attitude based on their long tribal experience in losing their only real asset, their lands, through sophisticated "deals" with non-Indians. Their land base is their only real economic resource as well as their real tie to their heritage as the First Americans and the original citizens of this state. Land is an identity issue with many Indians. Without the land they feel they would lose their " Indianness ." Some members of the Small Tribes Organization are willing to mortgage their land but are hampered by undivided heirship and barred from obtaining housing loans.

This problem could be resolved if the Farmers Home Administration which finances rural housing were permitted by law to make housing loans on leased lands. There are two Senate Bills pending that would do this. The State Congressional delegation and the Legislature, through resolution, should support and urge the passage of these bills. They are Senate Bills S3330 and S3755, both introduced in the Spring of last year. Individual housing or group housing could be built on tribal land owned communally which has been leased to Indian families for housing, and on allotments where the heirs would lease a portion for housing construction but either cannot or will not establish individual title by dividing the land.

The McEvers report points up a problem that was raised at every Task Force hearing by every tribe: using land owned by Indians in trust as a deductible asset in State Public Assistance grants. When an Indian who is receiving public assistance deeds a portion of his land to other persons such as his children, even as a gift with no money received, his public assistance grant is reduced or cut off until he has forfeited an amount equal to the value of the land so deeded. This practice seems to define the value of the land as an available resource simply because the land changes ownership even though it may stay in trust. The effect of this inequity as it relates to Indian housing is that land, which might become available for additional housing through transfer of title (for example from parent to child), does not become available, or if it does, only at personal sacrifice which, it seems to the Task Force, is unwarranted.

Again, as in the Welfare chapter of this report, the Task Force urges the State Division of Public Assistance to redefine its policy and re-educate its staff so that Indian land sales are not encouraged. We urge the SDPA to, rather, advise caseworkers and eligibility specialists to point out to Indians that their trust land should not be sold under any conditions, and instruct welfare applicants to seek assistance from the Bureau of Indian Affairs in retaining the Indian land base.

The need for definite land boundaries is crucial among the small tribes and on some of the larger reservations. Costly surveying teams cannot be employed by the tribes. The Task Force believes the burden of proof lies with the state, county or city that encroached upon what may be Indian trust land. The City of Tacoma arbitrarily, without any title search, razed an Indian fishing encampment along the Puyallup River last summer, destroying fishing gear, personal property and camping equipment. A title search by the Portland Area BIA office proved that the land upon which the Indians were encamped was reservation property and completely under federal trust status. But the City of Tacoma has not yet reimbursed the Indians for their lost property, not to mention the lost fish catch, the personal and public embarrassment and the personal inconvenience of the raid.

Fire protection for homes on Indian reservations and in smaller

Indian rural communities is a big problem in the state. There are some Indian volunteer fire departments and in areas of the state where reservation fires endanger surrounding federal timber, some fire protection is offered tribes. Fire and landslide insurance is difficult to obtain when fire protection is minimal and the location of the homes is remote from towns and cities, as most Indian communities are. The Task Force urges the state to look closely at this public problem and design some practical solution.

There are some areas in which small tribes live, and on some of the larger reservations, which cannot be economically served by electricity. The low-income Indian families are unable to pay the additional expense of running line extensions from major utility connections. The STOWW housing report estimates that a state grant to public utilities companies to induce them to extend power lines to remote rural areas so that healthy sanitary living can be realized by all citizens would amount to about $75,000 per year.

In ghetto areas within the cities, the poor (who are now being provided with federally subsidized homes which they are buying even though they may be welfare recipients) have access to a counseling and maintenance service to teach the new home owners how to maintain a house and how to keep it in repair. No such service has been provided on the reservations and in the rural areas for Indians. Therefore, new and renovated homes in these areas are bound to fall into disrepair earlier than will comparable homes in the inner cities. It is in the best interest of the state to prevent this by providing a home counseling service to all new home owners in the low income ranks within the state.

WE RECOMMEND THAT:

The State Urban Affairs Council recommendation for a State Housing Corporation be supported. The Council has recommended that the State Legislature create a State Housing Corporation which would borrow, loan money, acquire, sell and lease land, receive and give grants and match funds for housing purposes. A staff of regional advisors would help groups and individuals fund and apply for federal housing funds, disseminate information on federal, state and private housing programs and allocate available state housing funds in the form of loans and grants. The Housing Corporation would have other useful functions beneficial to Indians both on and off reservations.

The State Legislature make the appropriate $5 million appropriation for the creation of the State Housing Corporation.

The proposed State Housing Corporation (or if the Legislature fails to create the Corporation, a legislative study to) devise an innovative plan which would permit Indians who lease trust land from their tribes, and Indians who want to build on allotted trust land, to have new homes without endangering title to Indian land by mortgaging it.

The State Legislature pass a resolution supporting the passage of federal Senate Bills 3330 and 3755 which would permit the Farmers Home Administration to finance Indian housing on trust lands.

The State Division of Public Assistance under the Department of Social and Health Services write a new policy into its performance guidelines which defines Indian gift deeds of trust land as unsaleable real estate which is automatically immune to the process of grand deduction.

The Division of Public Assistance liberalize its so-called "equality" clause which actually discriminates against the Indian, by writing into its policy an exception for Indian trust land which may or may not be saleable.

The Public Assistance Division educate its staff, particularly at the local level where Indians deal directly with them, that they are to instruct all Indian applicants to get advice from their tribal leaders and the Bureau of Indian Affairs before selling any Indian land for any reason.*

The state pick up its responsibility to accept the Indian claim to land ownership with the same degree of respect it regards the land ownership claims of large industries and wealthy private individuals. For too long the white man has encroached upon Indian property with immunity because the Indian bands and tribes have been politically overwhelmed when they have protested.

The state study the problem of spotty and inadequate fire protection for its rural citizens and assist in providing a solution to this problem.

The State Legislature allocate $75,000 to public power utility companies as a subsidy to make it possible for power lines to be extended into remote rural areas where homes are not now served except at exorbitant cost to the home owner.

The State initiate a low income new home owners counseling program that will teach these home owners how to maintain their new homes, help them manage their budgets to keep up home payments, and develop a tool pool so that they do not have to invest a great deal in equipment for home maintenance. This service should be made available directly to rural communities including Indian reservations as a part of the state's overall effort to upgrade minimum housing standards in the state.

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* Although there are notable individual exceptions, there is a widely based antagonism to the philosophy of this recommendation within the present staff of the Public Assistance Division. This economic discrimination, based erroneously on a false idea of equality, must be expunged from the department on all levels. The future of the Indian culture, the entire economic survival of the Indian nations, is dependent upon Indians maintaining their present land base. When state officials advise Indians to sell their land, urge them to sell, or even suggest that they sell, the prestige of their office and their educated sophistication usually is an intimidating influence on Indians who do not wish to sell but know they must accept public assistance to survive.

CHAPTER FOURTEEN

CONCLUSION: WHAT YOU CAN DO

No one who reads this Indian Affairs Task Force Report should be able to maintain his original concept of "The Indians." We believe that the reader should be free to modify his own image from the facts and situations presented here. An attempt to summarize might hamper that individual freedom. Therefore, the temptation to present the usual summary has been overcome and, in its place, we offer a few hints that will lead to more effective action.

A few words of caution are in order. Emotions among non-Indian readers of this report may run high. The reader may feel compelled to "do something" for "the Indian." This would be a common -- and hoped for -- reaction. It must be tempered, however. The Task Force has learned several things about this sort of reaction and would like to close this report by sharing what has been learned.

First some suggestions of what not to do:

1. DO NOT PITY THE POOR INDIAN,
   he does not need your pity, he needs your help.

2. DO NOT PROMISE UTOPIA,
   he has listened to white promises for 200 years.

3. DO NOT RUSH OUT TO "STUDY THE INDIAN,"
   amateur anthropologists can be of no help.

This last point deserves amplification. Almost every person interviewed by this Task Force had the same greeting: "You're not here for another study!" The American Indian is probably the most studied human being on the face of the Earth. Before contacting tribal governments, talking to individual Indians, or visiting Indian communities for that "first hand look," visit the state's libraries and museums. Utilize the resources of the Bureau of Indian Affairs. There are several things that you can do:

1. RECOGNIZE THE FACT THAT INDIANS ARE INDIVIDUALS.

2. LEARN TO KNOW THE INDIAN GOVERNMENTS AND ORGANIZATIONS IN YOUR AREA. (See Appendix IX)

3. WORK WITH INDIAN PEOPLE: NOT FOR THEM.

4. CONSIDER THE INDIAN POINT OF VIEW BEFORE TAKING ACTION.

5. REQUEST THAT YOUR LEGISLATORS GIVE CAREFUL CONSIDERATION TO THIS REPORT.

This final point also deserves elaboration. Many of the recommendations made in this report require legislative action. But many tribal leaders do not have the resources and the time away from earning a "living" to come to Olympia during a legislative session or travel around the State contacting legislators between sessions. There is no "Indian Committee" upon which Indian leaders can concentrate their efforts to block some legislation and champion that they would initiate. Few legislators come from districts with large numbers of Indian voters, and consequently, when they are barraged with many other concerns -- perhaps your primary concerns -- they find it difficult to take the time to get to know the Indian view well enough to take a stand on "Indian issues." Your initiative in contacting legislators and letting them know your interest in Indian concerns may help more than any other action you could take.

APPENDIX I.

TRIBAL SOVEREIGNTY AND INDIAN CITIZENSHIP

It is difficult for Washington citizens to understand some of the problems of Indian tribes in our state, particularly their relationship with state government, because of general ignorance about the special legal status of Indian tribes and their members.[1] Most Americans are surprised to learn, for example, that Indian tribes are in fact sovereign bodies in many respects. The word "sovereignty" is used here to mean that the tribe is an independent lawful authority within a particular area. Some aspects of this sovereignty deserve explanation in order to further public understanding of Indian rights and problems.[2]

American law has always recognized the sovereign powers of Indian tribes. Commencing with the 1832 decision of the United States Supreme Court in the case of Worcester v. Georgia, the law has acknowledged the political sovereignty of Indian tribes.

The court in that case held that the Cherokee nation was a sovereign political community. From this early decision of our Supreme Court, the law has established three fundamental principles:

1. An Indian tribe possesses, in the first instance, all the powers of any sovereign state.
2. Congress renders the tribe subject to the legislative powers of the United States and, in effect, terminates the external powers of sovereignty of the tribe. That is, the tribe has no further power to enter into treaties with foreign nations. But this does not in any way affect the internal sovereignty of the tribe, that is, its powers of local self-government.
3. These powers are subject to qualification by treaties and by express legislation of Congress.

So that except as specifically limited by Congress, the full powers of internal sovereignty are vested in the Indian tribes acting through their tribal governing bodies.

This right of self-government, which has been consistently protected by the courts, has been frequently overlooked by legislators, both state and federal, and by administrative officials.

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[1] There is no complete and general legislative or judicial definition of "an Indian" that can be used to identify a person as an Indian.

For Federal Census purposes, an Indian has been identified on a self-declaration basis. If an individual does not declare his race, he is counted as an Indian if he appears to be a fullblood American Indian, or if of mixed Indian and white blood, is enrolled on a tribal or agency roll, or regarded as an Indian in the community in which he resides.

To be an Indian eligible for Bureau of Indian Affairs services, an individual must live on or near a reservation, or on or near trust or restricted land under jurisdiction of the Bureau, be a member of a tribe, band, or group of Indians recognized by the Federal Government, and for some purposes be of one-fourth or more Indian descent.

[2] The Indian Affairs Task Force is indebted to Mr. Alvin Ziontz, a Seattle Attorney and Task Force member, for the discussion here of tribal sovereignty and Indian citizenship.

Under the law, an Indian tribe has the power, except as limited by Congress, to choose its own form of government, to define the conditions of membership in the tribe, to establish its own laws and rules governing marital and family relations and property rights of its members, to prescribe rules of inheritance, to levy taxes and to regulate property within the jurisdiction of the tribe. The tribe also has the sovereign right to establish rules for conduct and to criminally punish socially harmful conduct. Normally, this is done through the tribal courts which have jurisdiction over certain crimes committed by members of the tribe and also jurisdiction over tribal members in adjudicating civil disputes.

The tribal governments, then, remain important units of government operating with a separate system of law within the State of Washington. This has extremely important consequences for surrounding units of local government and for non-Indians who reside on reservations. For example, the inherent sovereignty of an Indian tribe authorizes it to exercise the power of eminent domain; that is, to condemn land within the boundaries of the reservation for tribal purposes. Of course, fair compensation must be paid. Tribes also have the power to levy and impose taxes as well as to prescribe zoning and building code regulations for lands within their boundaries. Tribes have special rights over all waters which flow through or under reservation lands as well as water rights which affect upstream users of waters flowing through or along Indian lands.

Despite the fact that Indian tribes have sovereign power wholly apart from the adjoining counties, state and city government, American Indians are citizens of the United States. Many tribes had been granted citizenship by special Acts of Congress prior to World War I. But in 1924 as a gesture of appreciation for the service of American Indians in the Armed Services of the United States and in support of the war efforts of this country during World War I, Congress passed an act making all Indians citizens of the United States, and by virtue of the 14th Amendment, Indians became citizens of the state in which they resided. The fact that Indians are citizens of the United States had no effect whatever on their special status as Indians. In two Supreme Court cases, Winton v. Amos, and U.S. v. Nice, it has been held that Indian citizenship is not incompatible with the United States government and with Congressional authority over Indian affairs.

As citizens of the United States, American Indians are subject to the Selective Service Act and to state and federal taxes except as to transactions occurring on the reservation or with respect to trust lands or trust resources. Outside of reservations, and trust lands, American Indians are subject to all state laws. Indians are entitled to vote, to run for public office subject to the same qualifications as non-Indians.

Nevertheless, many Americans ask what is the reason that the United States government tolerates this separate status for Indian tribes and Indian reservations. The answers to this question go to the very heart of the relationship between American Indians and our government.

During the treaty-making period with Indian tribes which ended in 1871, the United States followed a policy of opening western lands for white settlement by obtaining land cessions from the Indian tribes which occupied these lands. Typically, these land cessions were incorporated in treaties made between the federal government and the respective tribes. While it is a matter of shameful history that these treaties were frequently broken, nevertheless one aspect of them remained unshakeable; the land cession by the Indians to the United States was permanent, final and irrevocable. In other words, the tribes gave up their claims to the land, and their power to resist invasion of the land in exchange for the promises contained in the treaty. The promises included an assurance of a reserved area of land which, the Indians were assured, would _forever_ be theirs. Again and again our courts have held that this amounted to a reservation of lands _by_ the Indians not a grant of lands _to_ them by the United States.

The treaties, then, amounted to a solemn and irrevocable transaction: the Indian tribes yielding up to the United States huge land areas of enormous value, and the United States for its part, solemnly promising the Indians that they would have the right to maintain themselves as tribes on reserved areas of land _perpetually_.

Many of the promises in the treaties have been broken or ignored. The tribes now enjoy only a small vestige of the powers they once had. But they cling tenaciously to the right to preserve themselves as a people on their own land. They rely on the commitment of the United States given in the treaties.

Certainly, the federal government has the power to destroy these tribes by taking away Indian sovereignty. But it could equally be pointed out that the United States has the power to destroy the sovereignty of any country against which it wishes to employ its superior power; Mexico, for example. Such an act, however, would violate international law as well as general moral principles. The fact that the United States may have the physical power, or even the legal power is quite different from the question of the morality or immorality of such an act. There are two basic American principles at stake. First, the honoring of a national commitment. Second, the principle of respect for a dependent sovereignty which has clearly indicated its desire to preserve its sovereign existence. These principles are, in fact, honored today by the United States Federal Government toward the Indian tribes of this country.

So it is that Indian tribes remain separate, legally sovereign communities residing on separate lands within the boundaries of our state. Nevertheless, all Indians in the State of Washington are American citizens and citizens of the State of Washington, and the special legal status which they have is a result of the basic terms by which we obtained their lands.

APPENDIX II.

TAXATION OF WASHINGTON INDIANS

In these times of financial crisis for state and local governments, tax collectors are being pressed hard for new sources of revenue. Indian tribes are becoming apprehensive that the state will try to find ways to tax their lands and property. The threat is grave: taxation for poor people ultimately means the loss of property if they cannot pay the tax. And Indians are, with rare exception, poor. Tribes are now just beginning to experience economic development and to acquire the capital assets which they have long lacked.

It has been pointed out in other chapters that Indians are subject to all state taxes off their reservations. On the reservation, however, the applicability of state taxes is restricted by federal law.*

It was stated by Felix S. Cohen, the foremost authority on Indian law, that,

> "To the extent that Indians and Indian property within an Indian reservation are not subject to state laws, they are not subject to state tax laws."

In the 1965 decision of the United States Supreme Court in Warren Trading Post Co. v. Arizona Tax Commission, the Supreme Court struck down an attempt by the State of Arizona to collect a sales tax from a non-Indian doing business on the Navajo Reservation. The court pointed out the obstacles to such an effort. First, under the U. S. Constitution, Indian commerce is subject to the primary authority of Congress. Congress has exercised its authority and the result is that this field is pre-empted by the federal government and may not be invaded or burdened by state taxes. Further, the court held that imposition of such state tax would interfere with reservation self-government. Based on these two important criteria, this state tax was barred. The State of Washington has accepted this position and does not require any Indian doing business upon a reservation to pay a business and occupation tax or a retail sales tax.

Cigarette taxes present a different problem. Here, the tax is collected by the state from the wholesalers who must purchase tax stamps to be applied to the cigarettes. Upon the basis that the tax was imposed outside the reservation, the Washington State Supreme Court in the case of Makah Tribe v. State Tax Commission held that the tax did not infringe upon federal regulation and Indian commerce. The result was that the tax was added to the cost of cigarettes purchased by Indians on the reservation. Indian tribes reacted by turning to out-of-state sources for their cigarettes. There appears to be no question whatever that Indians have the right to purchase cigarettes wholesale any place they choose and to re-sell them to Indians upon the reservation free from any state tax. Serious questions have been raised by the Washington State Tax Commission with respect to sales to non-Indians. The public is familiar with a number of "Smoke Shacks" operated by Indians on their trust lands selling tax-free cigarettes to non-Indians.

It appears that the resolution of this problem will ultimately depend on the determination of whether state tax authorities have any right to enter upon such lands for the purpose of interfering with such commerce. Recent announcements by the State Department of Revenue indicate that a campaign has been planned which will involve watching non-Indians as they leave trust lands and stopping them to seize cigarettes presumably purchased tax-free. Undoubtedly the pressure to mount such a campaign comes not only from state revenue officers concerned about the loss of state revenues on these particular cigarettes, but from Washington state cigarette wholesalers and retailers who are concerned about the diversion of profits to Indian businessmen.

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* Mr. Alvin Ziontz, a Seattle attorney and Indian Affairs Task Force member, prepared the discussion here of Indian taxation.

In the case of Indian lands, it appears very clear that the State has no right of taxation at all. Nevertheless, the state has attempted to assess taxes, through county assessors against non-Indians leasing lands and timber on Indian reservations. Clallam County, Washington, went so far as to try to impose a personal property tax on property owned by a Makah Indian. Upon challenge, this effort was thrown out by the Washington Supreme Court in the case of *Makah Indian Tribe v. Clallam County*. The court pointed out that personal property continuously kept and used exclusively on the reservation is not taxable unless Congress were to specifically declare otherwise. The court held that personal property owned and enjoyed by an Indian on the reservation enjoys the same tax protection that his trust land does with respect to state taxes. The Washington Supreme Court pointed out that on the basis of other federal cases and federal acts, it was clear that the policy of the federal government was to foster successful business enterprises on the reservations. It follows then that the state may not assess personal property taxes on such Indian property as motels, restaurants, fishing boats, ranch and farm equipment, trucks, automobiles, logging equipment, etc.

The Washington State Revenue Department has accepted the following guidelines as controlling in determining whether a state tax may be imposed on Indians on Indian reservations:

(1) Does the proposed tax impair a federally granted or reserved right?

(2) Has Congress so acted as to limit a state's activity in a particular area?

(3) Does the proposed tax interfere with a federal program (such as economic development)?

(4) Does the proposed tax interfere with tribal government?

Max Moore, Revenue Compliance Officer of the Washington State Department of Revenue said of these guidelines:

> "We believe such guidelines are clearly apparent from the case law. From a practical standpoint, we believe they are workable both from the Indian point of view and that of the state."

It is obviously in the interests of Washington State citizens as well as Washington State Indians that there be substantial economic development on the reservations. As pointed out by C. Richard Neely, Assistant Regional Solicitor, U. S. Department of Interior, Portland, Oregon, it is difficult enough to promote such development on the reservation, and when states attempt to tax new industry, whether by tribes or by non-Indians working with the tribes, such development is often thwarted. He goes on to point out that it is very much to the state's interest that their Indian reservations develop into vigorous economic communities. In the long run this will result in more revenue for state and local governments than attempting to breach long-established rules of law which protect Indian tax exemption.

APPENDIX III.

TRANSCRIPT: TREATY NEGOTIATING SESSION

In 1853 the Washington Territory was created from a portion of the Oregon Territory. Mayor Isaac I. Stevens was appointed Governor and fulfilled the incumbent responsibilities while also exploring and surveying a northern railroad route to the Pacific Coast and, as Superintendent of Indian Affairs for the region, treatying with the Indians.

The minutes of the Treaty of Point Elliott (Treaty of Muckleteo) negotiation session follow:

MONDAY, JAN. 22. The Indians were all convened, the four head chiefs, Seattle, Patkanam, Goliah and Chowitshoot being seated in front, the sub-chiefs in a second line, and the various tribes in separate groups. Gov. Stevens then addressed them as follows:

"My Children! You are not my children because you are the fruit of my loins, but because you are children for whom I have the same feeling as if you were the fruit of my loins. You are children for whom I will strenuously labor all the days of my life until I shall be taken hence. What will a man do for his own children? He will see that they are well cared for, that they have clothes to protect them against the cold and rain, that they have food to guard them against hunger, and as for thirst you have your own glorious streams in which to quench it. I want you as my children to be fed and clothed, and made comfortable and happy. I find that many of you are Christians, who know that this life is a preparation for the life to come. You want not simply a home on this earth where you and your children will be cared for, but you want a home for the next world."

"You understand well my purpose, and you want now to know the special things we propose to do for you. We want to place you in homes where you can cultivate the soil, raising potatoes and other articles of food, and where you may be able to pass in canoes over the waters of the sound and catch fish, and back to the mountains to get roots and berries. The great Father desires this and why I am able to say this. There are two thousand men, women and children who have always treated white men well. Did I not come through your country one year twice? Were not many of you now present witnesses of the fact? (All said Gov. Stevens came) Did I then make promises to you? (All say he did not) I am glad to hear this because I came through your country not to make you promises but to know your grievances and to report to the great Father about you. I have been to the Great Father and told him your condition. Here on this sound you make journeys of three and four days, but I made a journey of fifty days to the great Father on your behalf. You live on this shore but I went to the great shores of the East to report to the Great Father about you. I told the Great Father that I had traveled six moons in reaching this country and had never found an Indian who would not give me food, raiment and animals to forward me and mine to the great country of the West. I told him that I was among 10,000 Indians, and they took me to their lodges and offered me all they had, and here I will pause and ask you again, if you do not know that I have been absent several months on this business. (All shout yes) So you all know that I went to the Great Father, and you all know that I have come back. I went away but I left a good and strong man in my place. I call upon Gov. Mason to speak to you."

Gov. Mason now took the stand and addressed Indians as follows:

Gov. Mason. "My friends, when the Great Chief went away he left me as the Chief over all of you. Whenever you came to me and represented your wants and grievances, I did the best I could to remedy them. I did not have much to do with you, but I did for you all I could. You asked me where the great Chief had gone, and when he would return. I told all of you that came to see me that he had gone to see our Great Father at Washington, I told you that he would tell the Great Father all about your wants, and if it was good with the Great Father, he would return and right them. I told you that he would treat with you about your lands. The Great Chief has been to the Great Father and he has returned to you he has called you together today and you all know what he wished to do for you. (Cheers) I thank you for your expressions of good will."

Gov. Stevens Continues

"My children. Though I went to the Great Father I left a father with you who will always take care of you, as his own children. You have also an older brother (Gov. Stevens here pointed at the Agent Col.Simmons) a good man who has struck strong blows in your cause."

Col. Simmons then addressed them in the Indian language as follows:

Col. Simmons. (English Translation)

"My Brothers. I have known you a long time, and you have known me. Your hearts have always been good towards me, and formerly they were towards all Americans. Since then bad white men have come who sell you rum, so that people cheat you of your money and Indians become poor. Nowdays some Indians ill treat the whites. In my opinion rum is the cause of this -- such is my real mind. I now give my true heart to you. Do you stop buying rum from bad white men, and it will soon be well with all Indians. All your children will be like American children. My heart has cried for a long time. The whites tell me the Indians are always stealing their goods, their axes, blankets, shirts, pantaloons and potatoes, and bad white men are always beating Indians. The Indians are always telling me that some white men or other beats them. My heart is sick all the time. If you Indians will stop drinking liquor, stop going to the houses of bad white men, it will be good for you. Your father in the American country -- his heart is not to do ill for you. He will hereafter always take care of you. As soon as the Indians and Governor Stevens have agreed on the paper, one chief will see it. If he thinks the paper good, he will put his name to it. When he has signed it the paper will be returned and the money will be sent for your land."

"The goods that are given you today are given as a present. You all know what my opinion was before other Americans came here. Did I not tell you the truth? I have done. Now the Governor will speak again and then the Indian Chiefs." (Cheers)

Governor Stevens Resumed

"All this rejoices my heart, my heart is right and I am glad yours is. Our hearts are all the same. The Great Father wished you to send him back a paper showing your desires and wishes. The Great Father thinks you ought to have homes as I before told you. The Great Father knows that you are Christians, looking to a future state, and that you have wives and children and he wants you to have a school where your children can learn to read and can be made farmers and be taught trades. HE IS WILLING THAT YOU SHOULD CATCH FISH IN THESE WATERS AND GET ROOTS AND BERRIES BACK IN THE MOUNTAINS. He wished you all to be virtuous and industrious and to become a happy and prosperous community. Is this good and do you want this? If not we will talk further." (All answer, we do)

"My Children. I have simply told you the heart of the Great Father and what are his wishes and desires. But the lands are yours and we swear to pay you for them. We thank you that you have been so kind to all the white children of the Great Father who have come here from the East. Those white children have always told you that you would be paid for your lands, and we are now here to buy them."

"The white children of the Great Father, but no more his children than you are, have come here, some to build mills, some to till the land and others to build and sail ships. My children, I believe that I have got your hearts, you have my heart. We will put our hearts down on paper, and then we will sign our names. I will send that paper to the Great Father, and if he says it is good, IT WILL STAND FOREVER, But you all know that God governs us in this world, and the Great Father may find something in that paper that is not right. If the Great Father thinks it is not right, he will send it back and tell me how he wishes it altered. If you agree to the alteration it will be a bargain and the paper will stand. I will now have the paper read to you and all I ask of you, two thousand Indians, men, women and children, is that you will say first what you think, and if you find it good, that your chiefs and headmen will sign the same." (shouts)

Before the treaty was read the Indians sang a mass after the Roman Catholic form, and recited a prayer.

The paper not being quite ready for signature, Gov. Stevens invited the four head Chiefs to speak then.

"Does any one object to what I have said. Does my venerable Seattle object? I want Seattle to give his will to me and to his people."

Seattle "I look upon you as my father. I and the rest regard you as such. All of the Indians have the same good feeling toward you, and will send it on paper to the Great Father. All of them, men, old men, women and children rejoice that he has sent you to take care of them. My mind is like yours. I don't want to say more. My heart is very good towards Dr. Maynard.(a physician who was present) I want always to get medicine from him."

Gov. Stevens "My friend Seattle has put me in mind of one thing which I had forgotten. You shall have a doctor to cure your bodies and I trust your souls also. Now my friends, I speak to you as my friends though you are my children. I want you if Seattle has spoken well to say by three cheers." (Three cheers were given) Now we call upon Patkanam to speak his mind."

Patkanam "Today I understood your heart as soon as you spoke. I understand your talk plainly. God made my heart and those of my people good and strong. It is good that we should give you our real feelings today. We want everything as you have said, the Doctor and all. Such is the feeling of all the Indians. Our hearts are with the whites. God makes them good towards the Americans." (Three cheers were given for Patkanam)

Chowitshoot was called for "I do not want to say much. My heart is good. God has made it good towards you. I work on the ground (raise potatoes) and build houses. I have some houses at home. But I will stop building if you wish and will move to Cha-choo-sea. Now I have given you my opinion and that of my friends. Their feelings are all good and they will do as you say hereafter. My mind is the same as Seattle's. I love him and send my friends to him if they are sick. I go to Doctor Maynard at Seattle if I am sick." (Cheers for Chowitshoot)

Goliah spoke "My mind is the same as the Governor's. God has made it so. I have no wish to say much. I am happy at heart. I am happy to hear the Governor talk of God. My heart is good and that of all my friends. I give it to the Governor. I shall be glad to have a Doctor for the Indians. We are glad to hear you and to be taken care of by you. I do not want to say more." (Cheers were given to Goliah)

Governor Stevens then announced that the treaty would be read to them. It should be mentioned that all the details except the sum to be given for their lands, had been fully explained by Col. Simmons, and Mr. Shaw, the Interpreter, in previous conversations with the Chiefs and headmen, and as is believed were fully understood. The Chiefs also were consulted as to the fitness of the reservations finally adopted, and approved of them. The talks were interpreted into Chinook by Mr. Shaw and thence to the Indians by a Snohomish called John Taylor, who also interpreted their replied into Chinook. Taylor likewise repeated the treaty, which he perfectly comprehended before hand, paragraph by paragraph. After it had been read and translated, Gov. Stevens asked them if they were satisfied with it. If they were, he would sign it first, and then they should sign. If not he wished them to state in what way they desired it to be altered. All having signed their approbation, it was signed first by him and afterwards by the Chiefs, headmen and so forth.*

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* The "minutes" here of the treaty negotiating session are quoted from Leo LeClair (ed.), Indian Fishing Rights: A Resume of Their Origin (mimeograph: September, 1966) pp. 2-6; a copy of the treaty text is presented in Appendix VI.

APPENDIX IV.

CHIEF SEATTLE'S SPEECH

When Governor Stevens came to hold a conference with the Indians of Puget Sound they gave him a reception evincing gratification in being thus honored by the representative of the president.* They came, en masse, from far and near and assembled in front of Doctor Maynard's office; the great host made a noise in wah-wah among themselves like the roar of the ocean on a surf beaten shore, until the head chief commanded silence. Doctor Maynard introduced the governor and he explained that his mission was to purchase the Indian rights as occupiers of the country, setting apart sufficient land in reservations for their use. The audience, seated on stumps or squatted on the ground, listened attentively to him, and to the response by their spokesman, the head chief, Seattle, who arose and facing the governor delivered an oration worthy of an Indian orator. His dignified mien, his blanket resembling the toga of a Roman senator, his superb voice and unbroken flow of words were thrilling. He spoke in the Indian language and the following is a free translation:

Yonder sky has wept tears of compassion on our fathers through time that Indians know not how to compute. The sky may change, today it is fair, tomorrow it may be hidden above the clouds, but the words Seattle speaks are truth that never change; the Chief Washington can rely upon what I say with the certainty that our pale face brothers depend upon the recurring seasons of warm and cold. The son of the white chief tells us that his father sends to the Indians a message of friendship and good will. This is kind for well we know that he has little need of our friendship; his people are many like the grass on a fire swept side of a mountain.

The son of the great white chief has come to buy our lands, but is willing for Indians to reserve enough to live upon comfortably. This is generous, for Indians no longer have rights, which he must respect; and the offer is wise, for we no longer have need for a vast country. In times past and gone Indians covered this country as the waves of a vast ocean spread over its sandy beaches. That time has past and gone with the greatness of tribes almost forgotten. Seattle will not mourn over their sad fate, nor reproach our pale face brothers for hastening the dwindling of our race; we must bear the consequences of our own sins.

When our young men were angered by wicked wrongs and painted their faces black, their hearts also turned black. The cruelty of warriors is relentless and our old men were unable to restrain them. In war for vengeance enemy tribes slaughtered men and women, and children, so that now the survivors are few and too weak to hold the country against stronger people who have come to take it.

My people will ponder the white chief's offer to buy their lands; when they have decided an answer will be given. If they agree to sell their hearts will grieve over abandoning places sacred to dead ancestors and friends. Here and there, in every part of the whole country, the bodies and relics of the dead have been laid to remain throughout eternity. Every hillside, every valley and grove is hallowed by cherished memories of incidents in happier times. Rocks that lie dumb as they are warmed by heat of the sun, hold stories of festivals and kindly greetings when my people were merry and there was no whiskey to madden them. Dust under our feet responds more lovingly to the tread of Indians than to strangers because it is ashes of our ancestors and our bare feet are conscious of the sympathetic touch. At night when the streets of cities the white men will build, are quiet, they will be thronged with returning hosts that have lived in and still love this good land. White men must deal kindly with my people, for the dead are still children of the great king who reigns forever in heaven, and avenges wicked afflictions of His creatures upon the earth. Spirits numberless as the stars ever on watch around habitations of the living execute His will.

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* The introduction to, and the translation of, Chief Seattle's speech reproduced here are from Honorable C. H. Hanford (ed.), Seattle and Environs: 1852-1924 (Chicago and Seattle: Pioneer Historical Publishing Co., 1924), pp. 592-3.

APPENDIX V.

LUMMI PUBLIC ASSISTANCE PROJECT PROPOSAL

BACKGROUND

The Lummi Indian people have long been a concern of the many agencies attempting to provide services to them, as is evidenced by the plethora of demographic data which has been accumulated over the past several years. A summary of this information has been included in Attachment 1.* To quote a few of the more striking statistics:

> One-third of the 1200 Lummi Indian people living on the reservation are Public Assistance recipients.
>
> It is estimated that less than 20 per cent of the households have an income above the poverty level.
>
> More than one-half of the total labor force was unemployed in February, 1969.
>
> Ninety-two per cent of the adults have an eighth grade education or less.
>
> Of the 171 households on the reservation, 154 of the homes have been declared sub-standard.
>
> The nearest source of goods and services of any consequence is eight miles from the reservation, and there is no public transportation.

It must be agreed, on the basis of the living conditions and level of unemployment on the reservation, that our present service delivery system has not met the needs of this community. The Lummi client remains in his world of poverty and alienation, while the White community regretfully shakes its head, wishing it could somehow "reach" the Indian and improve his way of life in the manner he thinks it should be improved.

The present indictments of our welfare system, challenge us to be as innovative and imaginative as possible if we are ever going to meet our responsibility for human services. Based upon our past experiences with the Lummi Indian people, we feel very strongly that the casework model traditionally associated with welfare agencies is at best ineffective with Indian people. The cultural and anthropological aspects of the needs and problems of this group must be recognized; the agency must listen to what these people envision as their needs and their problems and act accordingly; and the focus of our activities must be expanded to include the community as well as the individual.

GOALS OF THE PROJECT

The overall aim of this project is to demonstrate a new approach to social problem-solving, unprecedented in Washington State, which will meet the unique, manifold needs encountered in a relatively closed ethnic group, such as the Lummi Indian people, where: (1) it is difficult, often impossible, to help the individual without helping the community; (2) "too much" help imposed from the larger community is viewed with suspicion; and (3) the traditional casework model appears to be inappropriate and irrelevant. Pursuant to the above, then, are the following goals:

I. To make the services of our agency more accessible to the Lummi Indian people -- geographically and administratively.

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* The attachments and less significant portions of the project description (e.g., a list of office equipment) have been deleted.

II. To provide the administrative and organizational structure by means of which, ultimately, the direct services of our agency can be provided to the Lummi Indian people by Lummi Indian staff exclusively.

III. To help the Lummi Indian people to define what they see as their needs and goals, and to participate in the planning and development of a comprehensive, community-wide social welfare program.

IV. To help the Lummi Indian people to cope with the various bureaucratic systems which so often stand as obstacles between them and their goals; teaching them, wherever possible, to use these systems to their advantage. This includes necessary communication skills and grantsmanship.

V. To make the needs and goals of the Lummi Indian people known to other agencies and to the larger community.

VI. To promote citizen involvement on the reservation, particularly among the rank and file members of the tribe.

VII. To preserve the Lummi Indian culture.

SCOPE

This project will demonstrate a new, comprehensive service delivery system on the Lummi Indian Reservation. The client population will consist only of those members of the Lummi Indian Tribe who reside on the reservation or in the area adjacent to it as designated on the attached map. The catchment area extends the reservation boundaries because there are a number of Lummi Indian families living in this area who identify strongly with the tribe. For those clients who move away from the reservation during the project, service will be continued to them if they remain within commuting distance of the reservation, and if they wish service to be continued. Because of the comprehensive scope of this project, its focus on the community as well as the individual, and the high proportion of Public Assistance recipients on the reservation, it is not feasible to restrict the community organization aspects of the project to actual recipients of Public Assistance.

The Lummi Reservation was chosen as the target area for this demonstration primarily because of its close proximity to one of our local offices. While a more remote location may be desirable in some ways, until this system has been proven it is felt that there would be advantages to demonstrating this project in an easily accessible area. It is also felt that there exists a tremendous potential for growth on the Lummi Reservation if these people are but provided the means to help themselves.

DEFINITIONS

SSA denotes "Social Service Assistant," an entry level social service classification. It is possible, by means of the "new careers" ladder, to progress through the sequence: SSA I, SSA II, SSA III, Caseworker I, Caseworker II, Caseworker III, Casework Supervisor Trainee, Casework Supervisor A.

WEE denotes "Welfare Eligibility Examiner," a classification created when our Department separated financial and social services in July, 1969. The WEE's have responsibility for financial eligibility determination and authorization of financial payments.

PROJECT DESCRIPTION

We believe that the combination of: (1) an out-reach, outstation facility; (2) a professional-paraprofessional team approach; (3) a practical, "here and now" problem-solving approach which focuses on the community as well as on the individual; and (4) a new careers ladder which provides a means for the Lummi people to assume operation of the outstation within five years, could have real meaning to this particular group.

DURATION AND PHASING

Because of the limitations defined in Section 1115 of the Social Security Act, this project must be limited to three years. It is necessary, however, because of the rather detailed new careers ladder built into the project, and because of the merit system rules and regulations governing promotions, to consider this to be a five year project, with the State of Washington incorporating the project into its on-going program during the fourth and fifth years.

There will, accordingly, be five phases in the project, one for each year, and the staffing pattern will shift for each phase to accommodate the new careers promotions. This rather complex staffing pattern will be discussed later.

There will be an initial two-week orientation period after date of project implementation for setting up the outstation facilities and initial staff training.

METHOD OF OPERATION

Project staff, with the exception of the Director, will be housed in a mobile office unit located on the reservation near the Tribal Center. The Project Director will continue to be housed in the Bellingham office where he holds the position of Social Services Supervisor II. Throughout all phases staff will consist of a supervisor, clerk, financial worker (WEE) and social service staff. The WEE and clerk positions do not change throughout the duration of the project.

All existing financial and social services in all categories of assistance will be provided by the project team with the following exceptions:

(1) "instant cash," a service provided by most local offices wherein checks for emergency assistance are written and issued from the local office rather than from the State office;

(2) sale of food stamps;

(3) adoption studies and placements;

(4) foster home studies and licensing; and

(5) day care studies and licensing.

The above services will continue to be provided by the Bellingham office during the initial phases of the project. Each of these services will, however, be incorporated into the outstation program at the earliest feasible point, depending upon the skills and work loads of the project staff. The project team will work closely with the Bellingham office staff regarding these services still provided by the Bellingham office, and every attempt will be made to bring these services to the reservation wherever possible.

Transportation will be provided for the Lummi community to assist them to get from their homes to the Tribal Center and the project outstation. In addition, at least one trip will be made each day from the reservation to the Bellingham office to carry passengers and paperwork. This will greatly facilitate the functioning of the outstation, as well as providing much needed transportation for clients who need services not available on the reservation, such as medical treatment. Every attempt will be made to develop public transportation by the end of Phase III.

A word about the project team: It is anticipated that this will be a rather new concept of "team." First, it will be extremely "close" team, to the extent that at times it will function almost as a single entity, focusing most of its energy on a single problem or constellation of problems. Second, the division of labor within the team will be quite flexible -- based not upon pre-conceived roles for each team member, such as one finds in a clinical team made up of a psychiatrist, social worker and psychologist, but based upon the particular problem presented and the relative skills of the team members. And third, the team will be committed to using any or all of the traditional methods of casework, group work, community organization or client advocacy, as well as perhaps a few untraditional methods. The approach will be pragmatic.

SOCIAL WELFARE PROGRAM PLANNING AND DEVELOPMENT

The Tribal Council, in their Community Action Program proposal, has indicated the need to improve "health, education, family situations, employment, and the community." They have also expressed a need for professional help in the planning phase of developing programs to meet these needs. The second major function of the project team, then, will be to participate in the planning and coordination of these programs.

The Tribal Council is not only the official governing body of the Lummi Indian people, but it is the steering and coordinating committee for the Community Action program, the MDTA Multi-occupational Training program, and the Aquacultural project, as well as others. It is therefore of the utmost importance that we bear in mind that sanction for the team's involvement in social welfare planning must come from the tribal leadership, i.e., the Tribal Council. Community planning must be done in conjunction with, and with the approval of, the Tribal Council. This does not suggest, of course, that the Tribal Council will tell us how to run Public Assistance; it does mean that our presence on their land must be approved and supported by them. Our failure to remember that this is their land, their people, and their problems, could result in the loss of support from the very people we were trying to help.

Every possible attempt will be made to avoid imposing white middle-class values on the Lummi people. In light of this the role of the project team might best be described as that of an "interested participant," being neither passive regarding community problems, nor aggressively overbearing regarding solutions to these problems; the team will provide muscle and expertise for the people to use as they see fit. This is perhaps one of the more innovative aspects of this project.

There is an extreme shortage of housing for agencies and programs on the reservation, as can be seen by the need for a mobile office unit to house this project staff. The Lummi Reservation appears to be an excellent candidate for a Neighborhood Facilities Grant from DHUD. If the tribe wishes to make application for such a grant we will help them to develop the application upon their request. Such a grant could provide housing under one roof for this team, as well as for the Community Action Program staff, MDTA Multi-occupational Training staff, Aquaculture staff, Child Care facilities, and others.

The DHUD Neighborhood Facilities Grant application is quite complex, and it is anticipated that the application process will be a learning experience for the Lummi people. In this regard, each project undertaken will in fact have two functions: to achieve the goals of the project; and to teach the Lummi people to cope with and use to their advantage the various bureaucratic systems, helping them to develop skills in communication and grantsmanship.

COORDINATING BOARD

The development of any community-wide, long range planning requires the involvement and investment of each agency in each step of the process. Only in this way can programs and services be coordinated to insure common goals and smooth project operation avoiding gaps in service or duplication of services. For this reason a Coordinating Board will be established. It will meet each month to discuss programs, coordinating the facilities and services of each agency to maximize the availability of these services to the Lummi community. The board will have responsibility for the development of an extensive resource file, as well as an organizational chart of community-wide agencies, programs and services to identify gaps and duplications in service.

The Board will probably consist of representatives from each of the following agencies:

(1) Lummi Tribal Council
(2) Aquaculture
(3) Community Action Agency
(4) Ferndale School District
(5) Bureau of Indian Affairs
(6) State Department of Public Assistance
(7) State Department of Vocational Rehabilitation
(8) State Employment Security Department
(9) U. S. Public Health Service
(10) Whatcom County Health Department
(11) Whatcom County Mental Health Clinic
(12) Whatcom County Extension Office

Letters of endorsement from some of these agencies are included with Attachment. The Whatcom County Mental Health Clinic is of the opinion that there is a need for the extension of their services into the Lummi Community and have been considering the possibility of an outstation facility one day per week in conjunction with the USPHS clinic. They are greatly interested in this project proposal and would definitely link in with our services on a referral basis.

The Coordinating Board will be phased out by the end of Phase III, with the team assuming all responsibility for coordinating its functions with those of the other agencies involved. If it is determined at that time that some kind of coordinating body is needed other than the team, a new Coordinating Board will be established, comprised exclusively of Lummi Indian people.

ANTICIPATED PROBLEMS

Various organizational problems are anticipated with respect to clerical coordination between the project and the area office. These problems center around the mechanics of "instant cash," food stamps, dictation, contact between the project and the area office, paper flow, and maintenance of case records. These problems will have to be worked out between the Project Director, Team Supervisor and the area office Clerical Supervisor.

Of more significance, however, in terms of the aim of this demonstration, is the possibility that the experienced team members may have difficulty during the initial phase breaking away from the traditional casework model to which they have been exposed in the past. We do not expect this to be a major problem, however. To begin with, the staff members being considered for this team are the persons who developed the initial proposal for this project; they are truly committed to its flexible, innovative aspects. They are also committed to the notion that the Lummi people are themselves the best source of information regarding their particular needs and how these needs are to be met. Furthermore, the new careers ladder is designed to phase out all non-Indian staff by the end of the fourth year. The Lummi staff will by then, hopefully, have developed their own ways of helping their own people which are truly innovative, relevant and effective.

Another anticipated problem in terms of community organization is the present lack of an economic base to develop facilities, pay staff salaries, etc., for activities or services desired by the people. Hopefully, Aquaculture will begin to provide this base as the industry begins to make profits for the tribe. Again our role could be a helpful one in terms of planning with the tribe; we will be able to provide useful information regarding services most frequently needed and how to develop these services. Until such time, however, that the Lummi people develop their own economic base, they will have to look toward the greater community, including local, State and Federal agencies, for these resources. This will involve inspiring the interest and obtaining the support of the Lummi people.

By and large we do not anticipate any major problems in working with the tribal government unless we begin to make plans for their community without their involvement or knowledge. We expect that the existing government structure will be most helpful in carrying out some of the goals of this project. The existing structure, with its various committees, will provide an avenue to the people -- an avenue that might not otherwise exist were it not for the government organization of the tribe. We therefore tend to see the existing power structure as a very positive thing in terms of this project: It is a means of communicating with the people and enlisting their cooperation and support.

TRAINING

According to our merit system rules and regulations, a SSA must have completed at least 30 quarter credit-hours at an accredited college before he can progress to the Caseworker I position. Accordingly, a training program is being established with Western Washington State College in Bellingham which will provide each SSA with 36 credit-hours by the end of their third year on the project. Two SSA's will be involved in the program during each phase.

Arrangements are being made for Western Washington State College to enroll the SSA's as "special students" in one three credit-hour course each quarter. This class will be held bi-weekly, two hours each session, for a total of four hours per month, and will be restricted to the two SSA's and the lead caseworker. This will allow for a great deal of one-to-one instruction. The lead caseworker will sit in on the classes so that she will be able to relate class material to actual on-the-job practice. The instructors for these classes have been involved in the training program for the SSA's already placed in the Bellingham office, and are truly committed to the new careers program. Training expenses will be $15 per student per quarter for tuition plus approximately $15 per student per quarter for books and supplies, or a total of $180 per year.

While it is our intention to keep this training program as flexible as possible, it is anticipated that the course material throughout the three year period will be focused primarily on the fields of anthropology, sociology and psychology.

In addition to the formal training at the college, the lead caseworker and team supervisor will conduct training sessions on the reservation bi-weekly on alternate weeks with the college classes. This training will be focused on: (1) relating class material to actual on-the-job situations; (2) agency policies, procedures, rules and regulations; (3) human growth and behavior concepts; and (4) ways of helping people. The team supervisor has supervised all new careers persons in the Bellingham office since the program began there in July, 1968, and, accordingly, has had much experience in this area.

FURTHER IMPLICATIONS

It is possible that the model proposed in this project, i.e., the team approach with ultimate take-over by indigenous persons, with emphasis on community development as well as casework and groupwork, could have wide implications for welfare agencies throughout the nation. It could, in many areas, replace the existing, irrelevant casework models.

More specifically, in Washington State, it would seem that this model would be very appropriate for other areas involving relatively closed ethnic groups, such as the Spanish-American people who center much of their activities around the Migrant Center at Lynden; or the Nooksack and Spanish-American people in the Nooksack-Wickersham areas.

This model should not, however, be restricted to rural areas and Indian reservations. It would be equally applicable in urban ghetto areas which exhibit many of the same characteristics as the Indian reservation. Before this could be applied to urban cases, though, it would be necessary to establish merit system registers which were limited geographically to very small areas of perhaps only a few city blocks.

EVALUATION

The evaluation of this project will be the responsibility of the project director, team supervisor, lead caseworker and anthropology consultant. The lead caseworker will assume responsibility for the necessary data gathering at various points throughout the project. Aside from evaluating the extent to which the stated goals of this project have been achieved, evaluation will be made in three major areas:

Administrative Feasibility and Desirability

While the use of an outstation on an Indian reservation is by no means new, this particular outstation will be evaluated in terms of workloads, coordination with the Bellingham office, and relevance of the proposed job descriptions. The team approach to solving social problems, which is new, will be carefully evaluated in a subjective manner, particularly in the areas of coordination and cooperation, as well as general staff functioning. A "diary" will be maintained by the staff, and it is anticipated that this will provide much rich information about the more subtle problems encountered as the team "evolves" throughout the five-year new careers ladder. Excerpts from this diary will be included in the progress reports.

The extension of the new careers concept to its logical extreme, with ultimate indigenous take-over, as is done in this project, may or may not be feasible. This proposed ladder must, accordingly, be carefully evaluated. Actual progressions and actual on-the-job duties will be compared throughout the project with the proposed progressions and job descriptions. Any problems or discrepancies will be noted in the evaluations and progress reports.

The coordinating board will be evaluated in terms of its contribution to the project team and the Lummi community: To what extent does it, in fact, facilitate the coordination of agencies and services, increase the quantity and quality of services, and define the resources and unmet needs of the community? Problem areas in interagency coordination that are casual in the failure to meet client needs will be documented and included in the evaluation.

Training Program

The training program, both at the college and on the reservation, will be evaluated in terms of its relevance for actual job experiences. The built-in flexibility of this program must be examined and compared with some of the more structured new careers training programs throughout the State in which SSA's attend college two days per week and work in the agency three days per week, with little contact between the instructors and the agency supervisors. Its relevance for other such projects must also be evaluated.

Assessments of the levels of skill achieved by the SSA's will be made by the project director and the team supervisor.

Impact on the Community

The impact of this project on the Lummi community, as well as the larger community, will be perhaps the most difficult to evaluate because of the many variables involved, and because of the many programs being implemented on the reservation at present. It will be difficult in some areas, to determine which factors, or combination of factors, are responsible for changes observed within the community. We anticipate that we will rely quite heavily on the anthropology consultant to help us to develop some tools sophisticated enough to measure some of these effects.

There are, in any event, certain measurements which can be suggested at this point. For example, tabulations will be made from case recordings as to the most frequent requests, requests the agency could not fulfill, and requests not fulfilled by any other agency. This information should reveal areas of unmet need and most frequent needs. This data will be monitored throughout the project, and any trend in quantity or quality of unmet needs will be reported. In addition, any resources developed will be reported, as well as the adequacy of these resources. Because, however, we do not know what resources will be needed by the Lummi people, we cannot at this point establish tools to measure the success or failure of resource development. The establishment of these methods of measurement will be done during the course of the project by the lead caseworker in consultation with the anthropology consultant.

Attitudes of the Lummi clients toward the agency will be measured by means of questionnaires and interviews. Because of strong negative feelings existing at this point toward our agency, however, it is not felt advisable to conduct any kind of extensive survey until the team has been established for at least three months on the reservation. Any attempt to measure attitudes at this point would only result in further alienation of the team members. Therefore, after a three month period, the SSA's will begin a limited survey by means of questionnaires which will be developed in cooperation with the consultant. Near the end of Phase I the lead caseworker will begin to survey attitudes by means of further questionnaires and personal interviews.

APPENDIX VI.

TREATY OF POINT ELLIOTT: 1855

Articles of agreement and convention made and concluded at Muckl-te-oh, or Point Elliott, in the Territory of Washington, this twenty-second day of January, eighteen hundred and fifty-five, by Isaac I. Stevens, governor and superintendent of Indian affairs for the said Territory, on the part of the United States, and the undersigned chiefs, head-men, and delegates of the Dwamish, Suquamish, Sk-tahl-mish, Sam-ahmish, Smalh-kamish, Skope-ahmish, St-kah-mish, Snoqualmoo, Skai-wha-mish, N'Quentl-ma-mish, Sk-tah-le-jum, Stoluch-wha-mish, Sno-ho-mish, Skagit, Kik-i-allus, Swin-a-mish, Squin-ah-mish, Sah-ku-mehu, Noo-wha-ha, Nook-wa-chah-mish, Mee-see-qua-quilch, Cho-bah-ah-bish, and other allied and subordinate tribes and bands of Indians occupying certain lands situated in said Territory of Washington, on behalf of said tribes, and duly authorized by them.

ARTICLE 1. The said tribes and bands of Indians hereby cede, relinquish, and convey to the United States all their right, title, and interest in and to the lands and country occupied by them, bounded and described as follows: Commencing at a point on the eastern side of Admiralty Inlet, known as Point Pully, about midway between Commencement and Elliott Bays; thence eastwardly, running along the north line of lands heretofore ceded to the United States by the Nisqually, Puyallup, and other Indians, to the summit of the Cascade range of mountains; thence northwardly, following the summit of said range to the 49th parallel of north latitude; thence west, along said parallel to the middle of the Gulf of Georgia; thence through the middle of said gulf and the main channel through the Canal de Arro to the Straits of Fuca, and crossing the same through the middle of Admiralty Inlet to Suquamish Head; thence southwesterly, through the peninsula, and following the divide between Hood's Canal and Admiralty Inlet to the portage known as Wilkes' Portage; thence northeastwardly, and following the line of lands heretofore ceded as aforesaid to Point Southworth, on the western side of Admiralty Inlet and thence round the foot of Vashon's Island eastwardly and southeastwardly to the place of beginning, including all the islands comprised within said boundaries, and all the right, title, and interest of the said boundaries, and all the right, title, and interest of the said tribes and bands to any lands within the territory of the United States.

ARTICLE 2. There is, however, reserved for the present use and occupation of the said tribes and bands the following tracts of land, viz: the amount of two sections, or twelve hundred and eighty acres, surrounding the small bight at the head of Port Madison, called by the Indians Noo-sohk-um; the amount of two sections, or twelve hundred and eighty acres, on the north side Hwhomish Bay and the creek emptying into the same called Kwilt-seh-da, the peninsula at the southeastern end of Perry's Island, called Shaisquihl, and the island called Chah-choo-sen, situated in the Lummi River at the point of separation of the mouths emptying respectively into Bellingham Bay and the Gulf of Georgia. All which tracts shall be set apart, and so far as necessary surveyed and marked out for their exclusive use; nor shall any white man be permitted to reside upon the same without permission of the said tribes or bands, and of the superintendent or agent, but, if necessary for the public convenience, roads may be run through the said reserves, the Indians being compensated for any damage thereby done them.

ARTICLE 3. There is also reserved from out the lands hereby ceded the amount of thirty-six sections, or one township of land on the north-eastern shore of Port Gardner, and north of the mouth of Snohomish River, including Tulalip Bay and the before-mentioned Kwilt-seh-da Creek, for the purpose of establishing thereon an agricultural and industrial school, as hereinafter mentioned and agreed, and with a view of ultimately drawing thereto and settling thereon all the Indians living west of the Cascade Mountains in said Territory. Provided, however, That the President may establish the central agency and general reservation at such other point as he may deem for the benefit of the

Indians.

ARTICLE 4. The said tribes and bands agree to remove to and settle upon the said first above-mentioned reservations within one year after the ratification of this treaty, or sooner, if the means are furnished them. In the mean time it shall be lawful for them to reside upon any land not in the actual claim and occupation of citizens of the United States, and upon any land claimed or occupied, if with the permission of the owner.

ARTICLE 5. The right of taking fish at usual and accustomed grounds and stations is further secured to said Indians in common with all citizens of the Territory, and of erecting temporary houses for the purpose of curing, together with the privilege of hunting and gathering roots and berries on open and unclaimed lands. Provided, however, that they shall not take shell-fish from any beds staked or cultivated by citizens.

ARTICLE 6. In consideration of the above cession, the United States agree to pay to the said tribes and bands the sum of one hundred and fifty thousand dollars, in the following manner -- that is to say: For the first year after the ratification hereof, fifteen thousand dollars; for the next two years, twelve thousand dollars each year; for the next three years, ten thousand dollars each year; for the next four years, seven thousand five hundred dollars each year; for the next five years, six thousand dollars each year; and for the last five years, four thousand two hundred and fifty dollars each year. All which said sums of money shall be applied to the use and benefit of the said Indians, under the direction of the President of the United States, who may, from time to time, determine at his discretion upon what beneficial objects to expend the same; and the superintendent of Indian affairs, or other proper officer, shall each year inform the President of the wishes of said Indians in respect thereto.

ARTICLE 7. The President may hereafter, when in his opinion the interests of the Territory shall require and the welfare of the said Indians be promoted, remove them from either or all of the special reservations hereinbefore made to the said general reservation, or such other suitable place within said Territory as he may deem fit, on remunerating them for their improvements and the expenses of such removal, or may consolidate them with other friendly tribes or bands; and he may further at his discretion cause the whole or any portion of the lands hereby reserved, or of such other land as may be selected in lieu thereof, to be surveyed into lots, and assign the same to such individuals or families as are willing to avail themselves of the privilege, and will locate on the same as a permanent home on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas, so far as the same may be applicable. Any substantial improvements heretofore made by any Indian, and which he shall be compelled to abandon in consequence of this treaty, shall be valued under the direction of the President and payment made accordingly therefor.

ARTICLE 8. The annuities of the aforesaid tribes and bands shall not be taken to pay the debts of individuals.

ARTICLE 9. The said tribes and bands acknowledge their dependence on the Government of the United States, and promise to be friendly with all citizens thereof, and they pledge themselves to commit no depredations on the property of such citizens. Should any one or more or them violate this pledge, and the fact be satisfactorily proven before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the Government out of their annuities. Nor will they make war on any other tribe except in self-defense, but will submit all matters of difference between them and the other Indians to the Government of the United States or its agent for decision, and abide thereby. And if any of the said Indians commit depredations on other Indians within the Territory the same rule shall prevail as that prescribed in this article in cases of depredations against citizens. And the same tribes agree not to shelter or conceal offenders against the laws of the United States, but to deliver them up to the authorities for trial.

ARTICLE 10. The above tribes and bands are desirous to exclude from their reservations the use of ardent spirits, and to prevent their people from drinking the same, and therefore it is provided that any Indian belonging to said tribe who is guilty of bringing liquor into said reservations, or who drinks liquor, may have his or her proportion of the annuities withheld from him or her for such time as the President may determine.

ARTICLE 11. The said tribes and bands agree to free all slaves now held by them and not to purchase or acquire others hereafter.

ARTICLE 12. The said tribes and bands further agree not to trade at Vancouver's Island or elsewhere out of the dominions of the United States, nor shall foreign Indians be permitted to reside in their reservations without consent of the superintendent or agent.

ARTICLE 13. To enable the said Indians to remove to and settle upon their aforesaid reservations, and to clear, fence, and break up a sufficient quantity of land for cultivation, the United States further agree to pay the sum of fifteen thousand dollars to be laid out and expended under the direction of the President and in such manner as he shall approve.

ARTICLE 14. The United States further agree to establish at the general agency for the district of Puget's Sound, within one year from the ratification hereof, and to support for a period of twenty years, an agricultural and industrial school, to be free to children of the said tribes and bands in common with those of the other tribes of said district, and to provide the said school with a suitable instructor or instructors, and also to provide a smithy and carpenter's shop, and furnish them with the necessary tools, and employ a blacksmith, carpenter, and farmer for the like term of twenty years to instruct the Indians in their respective occupations. And the United States finally agree to employ a physician to reside at the said central agency, who shall furnish medicine and advice to their sick, and shall vaccinate them; the expenses of said school, shops, persons employed, and medical attendance to be defrayed by the United States, and non deducted from the annuities.

ARTICLE 15. This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said Isaac I. Stevens, governor and superintendent of Indian affairs, and the undersigned chiefs, headmen, and delegates of the aforesaid tribes and bands of Indians, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

Isaac I. Stevens, Governor and Superintendent

APPENDIX VII.

TASK FORCE LEGISLATIVE PROPOSALS

The Indian Affairs Task Force during the fall of 1970 reviewed proposals for the legislative implementation of its recommendations. The group, recognizing its limited resources, chose four issues that were actually and symbolically crucial to Indian self-determination:

(1) recognition of tribal governments as public agencies, (2) legal jurisdiction on reservations, (3) zoning authority on reservations, and (4) tribal fishing rights.

Legislation representing the philosophy of the Task Force was drafted for each issue. These drafts were circulated to each tribe in the state -- specifically to the tribal chairman and the tribal representative to the Governor's Indian Advisory Committee. The advice of tribal attorneys was sought. After many meetings and consequent revisions, the legislative proposals reproduced in full below were approved by the Task Force and legislative sponsors were sought.

The Task Force through its staff had kept the Governor's office informed about the Group's progress toward a legislative package: but, unsure of what the product would be, it actively could not seek the Governor's endorsement. Nonetheless, when the package was completed in January and was presented the Governor, he made the then three part Task Force effort part of his Executive Request package. He stated strongly his view that it was time to bring these important issues before the public and the legislature for resolution.

TRIBAL GOVERNMENTS AS PUBLIC AGENCIES

The Task Force found that recognition of tribal governments as "public agencies" had powerful support. The legislation drafted was nearly the same as that proposed by TRICO, an Economic Development District that was interested in having a representative on its Board of Directors from each reservation within its District. Senator Bruce Wilson was the sponsor and champion of this proposed legislation. After a conversation with the Senator, the Task Force agreed to leave the legislative proposal in his skilled hands, offering to provide any support he requested. The group believed that a "minor amendment" to the Interlocal Government Corporation Act (RCW 39.34) would have a better chance for survival if "anti-Indian" forces were not aroused.

> BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:
>
> Section 1. Section 3, chapter 239, Laws of 1967 as last amended by section 1, chapter 88, Laws of 1969 and RCW 39.34.020 are each amended to read as follows:
>
> For the Purposes of this chapter, the term "public agency" shall mean any city, town, county, public utility district, port district, fire protection district, school district, Indian tribe recognized as such by the federal government, or metropolitan municipal corporation of this state; any agency of the state government or of the United States; and any political subdivision of another state.
>
> The term "state" shall mean a state of the United States.

FISHING RIGHTS

The Task Force found a general legislative uneasiness in moving forward in each of the other three areas, although important and sincere sponsors were found. Each bill was introduced in the same language in both houses of the State Legislature. The fishing rights legislation was introduced in two forms in the House because the press of events did not allow time for Task Force approval of the minor modifications adopted to allow its introduction as an Executive Request.

HB 1005 was the Task Force Request measure sponsored by Washington State Representatives Paul Connor, Tom Copeland, and Hal Wolf. It does not establish new Indian rights. Although it removes Indians from criminal prosecution if they claim to be exercising treaty rights, it allows the State to take civil action against Indians violating State laws or regulations regarding fishing rights. In this manner the courts would be called upon to clarify the legal rights of the Indians without subjecting them to the confiscation of their nets and gear for violating state law that has been challenged by federal courts and federal attorneys.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

> NEW SECTION. Section 1. In keeping with the Enabling Act of February 22, 1889 and our compact with the United States in Article XXVI of the state Constitution, and notwithstanding the provisions of any other law of this state, it is hereby declared to be the policy of this legislature that every effort be made by the state and every agency or official thereof to protect the fishing rights of Indians and Indian tribes claiming such rights pursuant to any treaty with the government of the United States.
>
> NEW SECTION. Sec. 2. Notwithstanding any other provision of law, no official or employee of the state department of fisheries or the state department of game shall have authority to confiscate or take possession of any nets or other fishing gear, or equipment, including boats, motors, and other equipment utilized in the taking of fish, owned by and belonging to any member of an Indian tribe who contends in good faith that he is fishing pursuant to the provisions of an Indian treaty with the government of the United States: PROVIDED, That when any Indians are found fishing in circumstances which appear to contravene state law, any such departmental official or employee may obtain the names, addresses, and tribal membership of any Indians so fishing and the refusal of any Indian to provide said information shall be deemed a lack of good faith on his part and subject him to such further action as the departmental officials or employees, under other provisions of law, shall determine.
>
> NEW SECTION. Sec. 3. If the state, any state agency, official or employee thereof shall determine that any Indian has been fishing in contravention of state law and not under existing treaty rights, an action for a declaratory judgment may be instituted by the state agency involved. In any such proceeding the burden of proving a violation of any statute of the state of Washington and the invalidity of, or nonapplicability of, alleged Indian treaty rights, shall be upon the state agency.
>
> NEW SECTION. Sec. 4. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

HB 1004 and SB 721 were identical and respectively sponsored by Washington State Representatives Scott Blair, Tom Copeland, and Hal Wolf, as well as Senators John Murray, George Fleming and Charles

Elicker.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. In keeping with the enabling act of February 22, 1889, and our compact with the United States in Article XXVI of the state Constitution, and notwithstanding the provisions of any other law of this state, it is hereby declared to be the policy of this legislature that every effort be made by the state and every agency or official thereof to protect the fishing rights of Indians and Indian tribes claiming such rights pursuant to any treaty with the government of the United States.

NEW SECTION. Sec. 2. Notwithstanding any other provision of law, no member of an Indian tribe who contends that he is fishing pursuant to the provisions of an Indian treaty with the government of the United States, shall be subject to criminal prosecution or arrest, nor shall he be subject to the confiscation or seizure of any nets or other fishing gear, or equipment, including boats, motors, and other equipment utilized in the taking of fish, owned by and belonging to him or used by him: PROVIDED, That when any Indians are found fishing in circumstances which appear to contravene state law, any official or employee of the state department of fisheries or the state department of game may obtain the names, addresses, and tribal membership of any Indians so fishing and the refusal of any Indian to provide said information shall be deemed a lack of good faith on his part and subject him to such further action as the departmental officials or employees, under other provisions of law, shall determine: AND FURTHER PROVIDED, That nothing herein shall bar the prosecution of any persons who makes a bad faith or false claim for exemption to criminal prosecution and no such departmental official or employee shall be subject to suit for false arrest if the arrest was made in the reasonable belief that the arrested person was making a false or bad faith claim for exemption.

NEW SECTION. Sec. 3. If the state, any state agency, official or employee thereof shall determine that any Indian has been fishing in contravention of state law and not under existing treaty rights, an action for injunction or declaratory judgment may be instituted by the state agency involved.

NEW SECTION. Sec. 4. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

JURISDICTION ON INDIAN RESERVATIONS

HB 1001 and SB 685 identically tackled the question of legal jurisdiction on Indian reservations and were sponsored respectively by Washington State Representatives Paul Connor and Tom Copeland and Senators Charles Elicker, Gordon Sandison, and Frank Atwood. The proposed legislation would provide the means by which the State could retrocede (give back) jurisdiction over Indian reservations to the tribes and the federal government. The chapter on Jurisdiction on the Reservation discusses the philosophy of the proposal.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter

240, Laws of 1957 and chapter 37.12 RCW a new section to read as follows:

Whenever the governor of this state shall receive from the governing body or tribal council duly recognized by the bureau of Indian affairs of any tribe, community or band, a resolution expressing its desire for the retrocession by the state of all or any measure of the civil or criminal jurisdiction or both acquired by the state under the provisions of chapter 37.12 RCW over the territories, country, or lands of such Indian tribe, community or band, he shall issue within sixty days a proclamation retroceding to the United States the civil or criminal jurisdiction or both previously acquired by the state over the said territory, country or lands: PROVIDED, That the proclamation of retrocession shall not become effective until it is accepted by an officer of the United States government in accordance with the provisions of section 403 (a) of Public Law 90-284, 82 Stat. 73, 79, and in accordance with procedures established by the United States for the acceptance of such retrocession of jurisdiction.

NEW SECTION. Sec. 2. There is added to chapter 240, Laws of 1957 and chapter 37.12 RCW a new section to read as follows:

The criminal and civil jurisdiction that heretofore or hereafter is assumed by the state by virtue of this chapter shall not be exclusive and shall not diminish or reduce the inherent or other jurisdiction of the Indian tribes as to the same matters.

ZONING ON INDIAN RESERVATIONS

HB 1000 and SB 774 disclaim any State right or jurisdiction to zone land on the Indian reservations leaving such authority with the tribal government. The proposal was respectively sponsored by Washington State Representatives Paul Connor and Tom Copeland and Senators Charles Elicker and Gordon Sandison.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 240, Laws of 1957 and to chapter 37.12 RCW a new section to read as follows:

Notwithstanding the provisions of chapter 37.12 RCW as now or hereafter amended, or the provisions of any other state statute, the state of Washington hereby disclaims the right or jurisdiction of the state or any political subdivision thereof to zone or regulate the use of land within an established Indian reservation.

APPENDIX VIII.

FEDERAL AND STATE INDIAN LEGISLATION

The Federal Congress met for the first time in 1789 and saw fit that year to enact the first federal legislation pertaining to Indians. The law of August 7, 1789 (1 Stat. 50) provided for the administration of the Northwest Territory and contained Article 3:

> The utmost good faith shall always be observed towards the Indians; their land and property never shall be taken from them without their consent; and in their property, rights, and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

The following year a directive to make treaties with the Indians was enacted on July 22 (1 Stat. 137):

> That no sale of lands made by any Indians, or any nation or Tribe of Indians within the United States, shall be valid to any persons, or to any state, whether having the right of pre-emption to such lands or not, unless the same shall be made and duly executed at some treaty, held under the authority of the United States.

The United States Constitution in Article VI defines the status of treaties made with the Indian tribes (emphasis in quote supplied):

> Article VI Debts Contracted under the Confederation Secured; Paragraph 2. This Constitution and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, SHALL BE THE SUPREME LAW OF THE LAND; AND THE JUDGES IN EVERY STATE SHALL BE BOUND THEREBY, ANY THING IN THE CONSTITUTION OR LAWS OF ANY STATE TO THE CONTRARY NOTWITHSTANDING.

In 1889 the State of Washington was formed out of the Washington Territory. Pursuant to federal legislation Article XXVI of the State Constitution contains the following:

> That the people inhabiting this state do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries of this state, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States.

This disclaimer follows the policy laid down by the first Congress, that is, Indian affairs are a Federal matter, not a state affair.

A frequently heard argument is that Indians lost any special rights when they were granted citizenship. This question was foreseen and addressed by the federal legislation granting citizenship on June 2, 1924 (43 Stat. 253; emphasis supplied in quote):

> That all non-citizen Indians born within the territorial limits of the United States be, and they are hereby, declared to be citizens of the United States; Provided, that the granting of such SHALL NOT IN ANY MANNER IMPAIR OR OTHERWISE AFFECT the right of any Indian to tribal or other property.

In 1953 the Federal Congress authorized States under certain conditions to assume criminal and civil jurisdiction over Indian reservations. The response in the State of Washington came in 1957, followed by Senate Bill 56 (March 13, 1963) amending Chapter 240, Laws of 1957 and RCW 37.12 as follows:

> The state of Washington hereby obligates and binds itself to assume criminal and civil jurisdiction over Indians and Indian territory, reservations, country, and lands within this state in accordance with the consent of the United States given by the act of August 15, 1953 (Public Law 280, 83rd Congress, 1st Session), but such assumption of jurisdiction shall not apply to Indians when on their tribal lands or allotted lands within an established Indian reservation and held in trust by the United States or subject to a restrict restriction against alienation imposed by the United States, unless the provision of section 5 of this amendatory act have been invoked, except for the following:
>
> (1) Compulsory school attendance;
> (2) Public assistance;
> (3) Domestic relations;
> (4) Mental illness;
> (5) Juvenile delinquency;
> (6) Adoption proceedings;
> (7) Dependent children; and
> (8) Operation of motor vehicles upon the public streets, alleys, roads and highways: PROVIDED FURTHER, That Indian tribes that petitioned for, were granted and became subject to state jurisdiction pursuant to this chapter on or before the effective date of this amendatory act shall remain subject to state civil and criminal jurisdiction as if this amendatory act had not been enacted.
>
> Sec. 2. Section 3, chapter 240, Laws of 1957 and RCW 37.12.030 are each amended to read as follows:
>
> Upon the effective date of this amendatory act the state of Washington shall assume jurisdiction over offenses as set forth in section I of this amendatory act committed by or against Indians in the lands prescribed in section I of this amendatory act to the same extent that this state has jurisdiction over offenses committed elsewhere within this state, and such criminal laws of this state shall have the same force and effect within such lands as they have elsewhere within this state.
>
> Sec. 3. Section 4, chapter 240, Laws of 1957 and RCW 37.12.040 are each amended to read as follows:
>
> Upon the effective date of this amendatory act the state of Washington shall assume jurisdiction over civil causes of action as set forth in section I of this amendatory act between Indians or to which Indians are parties which arise in the lands prescribed in section I of this amendatory act to the same extent

> that this state has jurisdiction over other civil causes of action and, except as otherwise provided in this chapter, those civil laws of this state that are of general application to private persons or private property shall have the same force and effect within such lands as they have elsewhere within this state.

Sec.4. Section 6, chapter 240, laws of 1957 and RCW 37.12.060 are each amended to read as follows:

> Nothing in this chapter shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights and tidelands, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any federal treaty, agreement, or statute or with any regulation made pursuant thereto; or shall confer jurisdiction upon the state to adjudicate, in probate proceedings or otherwise, the ownership or right to possession of such property or any interest therein; or shall deprive any Indian or any Indian tribe, band, or community of any right, privilege, or immunity afforded under federal treaty, agreement, statute, or executive order with respect to Indian land grants, hunting, trapping, or fishing or the control, licensing, or regulation thereof.

Sec.5. There is hereby added to chapter 240, Laws of 1957 and chapter 37.12 RCW a new section to read as follows:

> Whenever the governor of this state shall receive from the majority of any tribe or tribal council or other governing body, duly recognized by the Bureau of Indian Affairs, of any Indian tribe, community, band or group in this state a resolution expressing its desire that its people and lands be subject to the criminal or civil jurisdiction of the state of Washington to the full extent authorized by federal law, he shall issue within sixty days a proclamation to the effect that such jurisdiction shall apply to all Indians and all Indian territory, reservations, country, and lands of the Indian body involved to the same extent that this state exercises civil and criminal jurisdiction or both elsewhere within the state: PROVIDED, That jurisdiction assumed pursuant to this section shall nevertheless be subject to the limitations set forth in section 4 of this amendatory act.

The uproar caused by the assumption of state jurisdiction without tribal government consent lead to Congressional action. Holding hearings on the Civil Rights Act, Congress moved to reverse federal Indian policy. It provided a means by which a State could give back (retrocede) jurisdiction over Indian reservations to the federal government. But note that the method for doing so is unclear. The legislation (Public Law 90-284, 90th Congress; 2d Session, April 11, 1968) is as follows:

Title IV: Jurisdiction Over Criminal and Civil Actions

ASSUMPTION BY STATE

Sec. 401. (a) The consent of the United States is hereby given to any State not having jurisdiction over criminal offenses committed by or against Indians in the areas of Indian country situated within such State to assume, with the consent of the Indian tribe occupying the particular Indian country or part thereof which could be affected by such assumption, such measure of jurisdiction over any or all such offenses committed within such Indian country or any part thereof as may be determined by such State to the same extent that such State has jurisdiction over any such offense committed elsewhere within the State, and the criminal laws of such State shall have the same force and effect within such Indian country or part thereof as they have elsewhere within that State.

(b) Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any Federal treaty, agreement, or statute or with any regulation made pursuant thereto; or shall deprive any Indian or any Indian tribe, band, or community of any right, privilege, or immunity afforded under Federal treaty, agreement, or statute with respect to hunting, trapping, or fishing or thecontrol, licensing, or regulation thereof.

ASSUMPTION BY STATE OF CIVIL JURISDICTION

Sec. 402. (a) The consent of the United States is hereby given to any State not having jurisdiction over civil causes of action between Indians or to which Indians are parties which arise in the areas of Indian country situated within such State to assume, with the consent of the tribe occupying the particular Indian country or part thereof which would be affected by such assumption, such measure of jurisdiction over any or all such civil causes of action arising within such Indian country or any part thereof as may be determined by such State to the same extent that such State has jurisdiction over other civil causes of action, and those civil laws of such State that are of general application to private persons or private property shall have the same force and effect within such Indian country or part thereof as they have elsewhere within that State.

(b) Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any Federal treaty, agreement, or statute, or with any regulation made pursuant thereto; or shall confer jurisdiction upon the State to adjudicate, in probate proceedings or otherwise, the ownership or right to possession of such property or any interest therein.

(c) Any tribal ordinance or custom heretofore or hereafter adopted by an Indian tribe, band, or community in the exercise of any authority which it may possess shall, if not inconsistent with any applicable civil law of the State, be given full force and effect in the determination of civil causes of action pursuant to this section.

RETROCESSION OF JURISDICTION BY STATE

Sec. 403. (a) The United States is authorized to accept a retrocession by any State of all or any measure of the criminal or civil jurisdiction, or both, acquired by such State pursuant to the provisions of section 1162 of title 18 of the United States Code, or section 7 of the Act of August 15, 1953 (67 Stat. 588), as it was in effect prior to its repeal by subsection (b) of this section.

(b) Section 7 of the Act of August 15, 1953 (67 Stat. 588), is hereby repealed, but such repeal shall not affect any cession of jurisdiction made pursuant to such section prior to its repeal.

CONSENT TO AMEND STATE LAWS

Sec. 404. Notwithstanding the provisions of any enabling Act for the admission of a State, the consent of the United States is hereby given to the people of any State to amend, where necessary, their State constitution or existing statutes, as the case may be, to remove any legal impediment to the assumption of civil or criminal jurisdiction in accordance with the provisions of this title. The provisions of this title shall not become effective with respect to such assumption of jurisdiction by any such State until the people thereof have appropriately amended their State constitution or statutes, as the case may be.

ACTIONS NOT TO ABATE

Sec. 405. (a) No action or proceeding pending before any court or agency of the United States immediately prior to any cession of jurisdiction by the United States pursuant to this title shall abate by reason of that cession. For the purposes of any such action or proceeding, such cession shall take effect on the day following the date of final determination of final determination of such action or proceeding.

(b) No cession made by the United States under this title shall deprive any court of the United States of jurisdiction to hear, determine, render judgment, or impose sentence in any criminal action instituted against any person for any offense committed before the effective date of such cession, if the offense charged in such action was cognizable under any law of the United States at the time of the commission of such offense. For the purposes of any such criminal action, such cession shall take effect on the day following the date of final determination of such action.

SPECIAL ELECTION

Sec. 406. State jurisdiction acquired pursuant to this title with respect to criminal offenses or civil causes of action, or with respect to both, shall be applicable in Indian country only where the enrolled Indians within the affected area of such Indian country accept such jurisdiction by a majority vote of the adult Indians voting at a special election held for that purpose. The Secretary of the Interior shall call such special election under such rules and regulations as he may prescribe, when requested to do so by the tribal council or other governing body, or by 20 percentum of such enrolled adults.

APPENDIX IX

TRIBAL LEADERS AND INDIAN ORGANIZATIONS

TRIBAL CHAIRMEN*

Chehalis Tribal Council
Mr. Martin Revay, Chairman
Route 1, Box 9A
Oakville, Wa. 98568

Chinook Indians
Mr. Kent Elliott
Skamakowa, Wa. 98647

Colville Business Council
Mr. Mel Tonasket
Nespelem, Wa. 98155

Cowlitz Indian Tribe
Mr. Clifford Wilson
1965 West Side Highway #27
Kelso, Wa. 98626

Duwamish Tribe
Mr. Willard Bill, Chairman
514 North 8th
Mount Vernon, Wa. 98273

Hoh Indian Tribe
Mr. Herbert Fisher
P.O. Box 265
Forks, Wa. 98331

Clallam Indians - Jamestown Band
Mr. Harris (Brick) Johnson
Route 3, Box 678
Sequim, Wa. 98382

Clallam General Council
Mr. Ted George, Chairman
12653 N. E. 95th
Kirkland, Wa. 98033

Lower Elwha Tribe
Mr. Gilbert Charles
Route 3, Box 1724
Port Angeles, Wa. 98362

Lummi Tribal Council
Mr. Vernon Lane
Lummi Shore Drive
Bellingham, Wa. 98225

Lummi Hereditary Chief
Mr. James McKay
105 Carter Drive
Bellingham, Wa. 98225

Makah Tribal Council
Mr. Edward Claplanhoo
P.O. Box 115
Neah Bay, Wa. 98357

Muckleshoot Tribal Council
Mrs. Florence Harnden
Route 1, Box 431
Auburn, Wa. 98002

Nisqually Tribal Council
Mrs. Zelma McCloud
P.O. Box 234
Yelm, Wa. 98597

Nooksack Tribal Council
Mr. Robert R. Davis
1384 Smith Road
Bellingham, Wa. 98225

Pt. Gamble Band of Clallam Indians
Mr. Ben George, Chairman
P.O. Box 367
Suquamish, Wa. 98392

Puyallup Tribal Council
Mr. Don Matheson
5423 8th St. East
Tacoma, Wa. 98424

Quileute Tribal Council
Mr. Kenneth Payne
La Push, Wa. 98350

Quinault Tribal Council
Mr. James Jackson, President
Box 38
Moclips, Wa. 98562

Shoalwater Tribal Council
Mr. Earl Davis
Tokeland, Wa. 98590

Skagit Tribal Council
Mr. Charles Boome
Route 2, Box 153
Sedro Woolley, Wa. 98284

Skokomish Tribal Council
Mr. Theodore Pulsifer
General Delivery
Hoodsport, Wa. 98548

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* A number of small tribes may be omitted from this list. For information about these tribes, contact the Small Tribes Organization of Western Washington.

Snohomish Tribal Council
Mr. Clifford Allen
104 "C" Street N. W.
Auburn, Wa. 98002

Snoqualmie Tribal Council
Mr. Robert Comenout
Route 1, Box 399 A
Toppenish, Wa. 98948

Squaxin Island Tribal Council
Mrs. Florence Sigo
Route 1, Box 258
Shelton, Wa. 98584

Stillaguamish Tribal Council
Mr. John Silva
5326 Red River Road
Ferndale, Wa. 98428

Suquamish Tribal Council
Mrs. Grace Duggan, Chairman
5322 Erlands Point Road
Bremerton, Wa. 98310

Swinomish Indian Senate
Mr. Tandy Wilbur, Jr., Chairman
Box 277
La Connor, Wa. 98257

Tulalip Tribal Council
Mr. Herman Williams, Chairman
Star Route
Marysville, Wa. 98270

Yakima Tribal Council
Mr. Robert Jim, Chairman
P.O. Box 367
Toppenish, Wa. 98948

Spokane Business Council
Mr. Alex Sherwood
Wellpinit, Wa. 99040

Kalispel Business Council
Mr. Louie Andrew
Usk, Wa. 99180

INDIAN LEADERS AND THEIR ORGANIZATIONS*

Mr. Hank Adams
1721 W. Stewart
Puyallup, Wa. 99163

American Indian Center
N. 1007 Columbus
Spokane, Wa. 99202

Mr. Fred Lane
Room 320
2nd and Cherry Building
Seattle, Wa. 98104

Northwest Affiliated Tribes
Mr. Earl Old Person
Blackfoot Tribal Office
Browning, Montana 59417

Ms. Susan Pittman
Kinatechitapi
3004 South Alaska Street
Seattle, Wa. 98108

Seattle Indian Center
1900 Boren
Seattle, Wa. 98101

Small Tribes Organization of
Western Washington
33324 Pacific Highway
Federal Way, Wa. 98002

Survival of the American Indian
c/o Mr. Don Matheson
5423 8th Street East
Tacoma, Wa. 98424

Mrs. Pearl Warren
3419 Densmore North
Seattle, Wa. 98103

Mr. Bernie Whitebear
1407 - 7th Avenue
Seattle, Wa. 98101

GOVERNMENTAL ORGANIZATIONS

Bureau of Indian Affairs
Area Office
P.O. Box 3785
Portland, Oregon

Colville Indian Agency
P.O. Box 97
Coulee Dam, Wa. 99116

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* Only a representative listing could be offered here.

Western Washington Indian Agency
Federal Building
3006 Colby Avenue
Everett, Wa. 98201

Hoquiam Sub-Agency
Post Office Building
Hoquiam, Washington

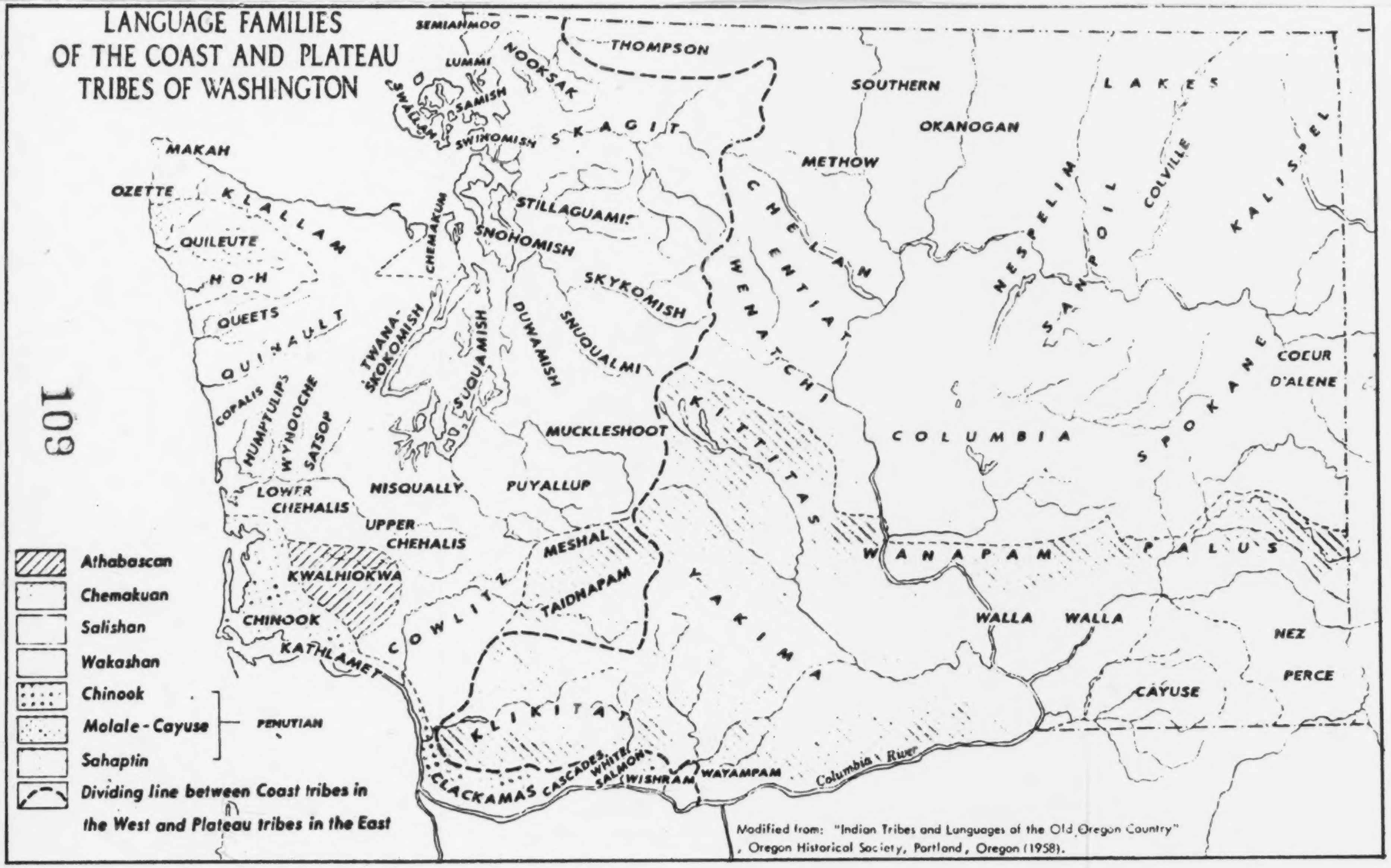
National Council on Indian Opportunity
726 Jackson Place N. W.
Washington, D. C. 20506

Spokane Indian Agency
Wellpinit
Washington 99040

Yakima Indian Agency
Mr. William T. Schlick, Supt.
Toppenish, Wa. 98948

Gov.'s Indian Advisory Committee
Office of Economic Opportunity
Hotel Olympian
Olympia, Wa. 98504

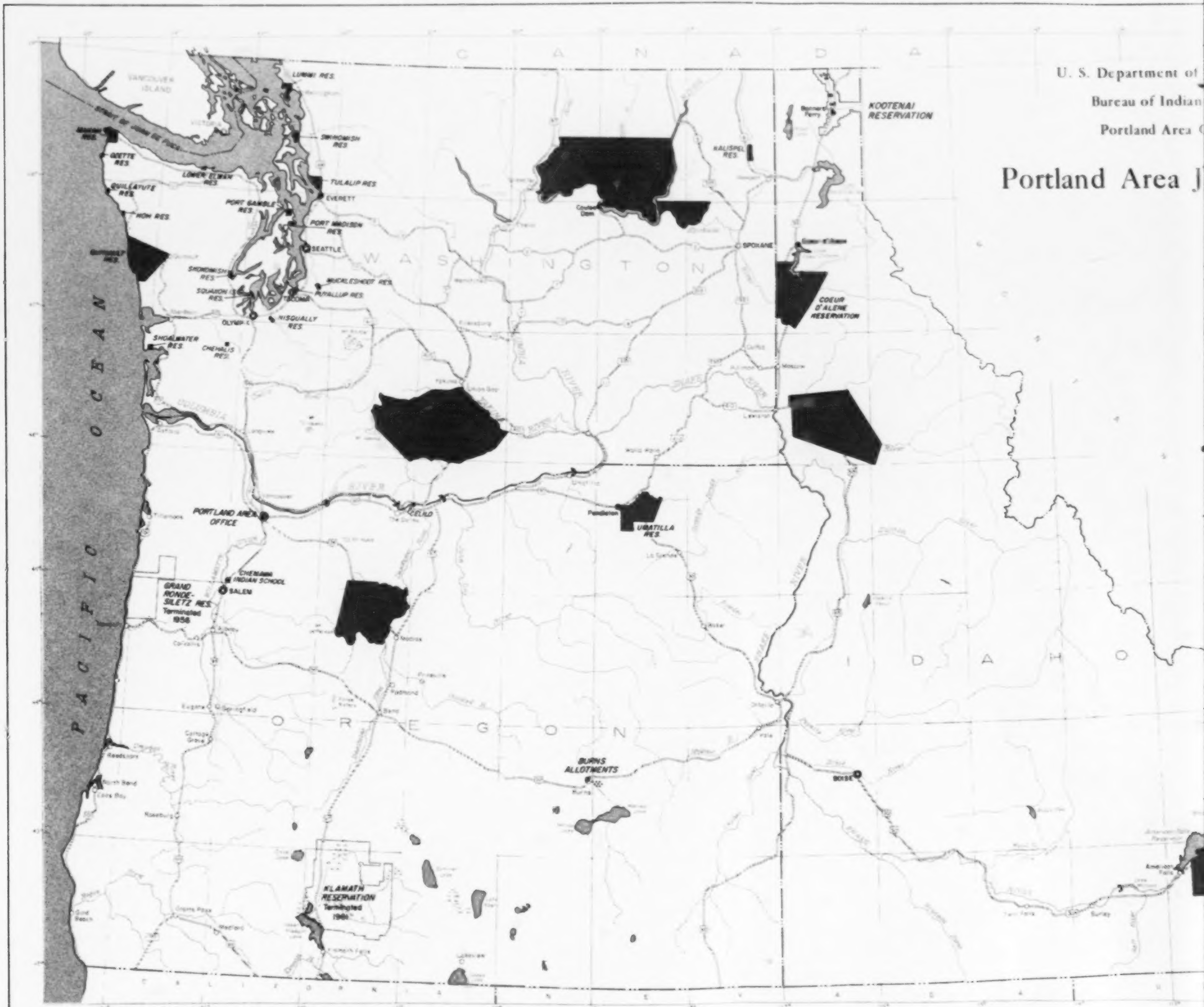
Indian Affairs Task Force
Secretary of State Office
Legislative Building
Olympia, Wa. 98501

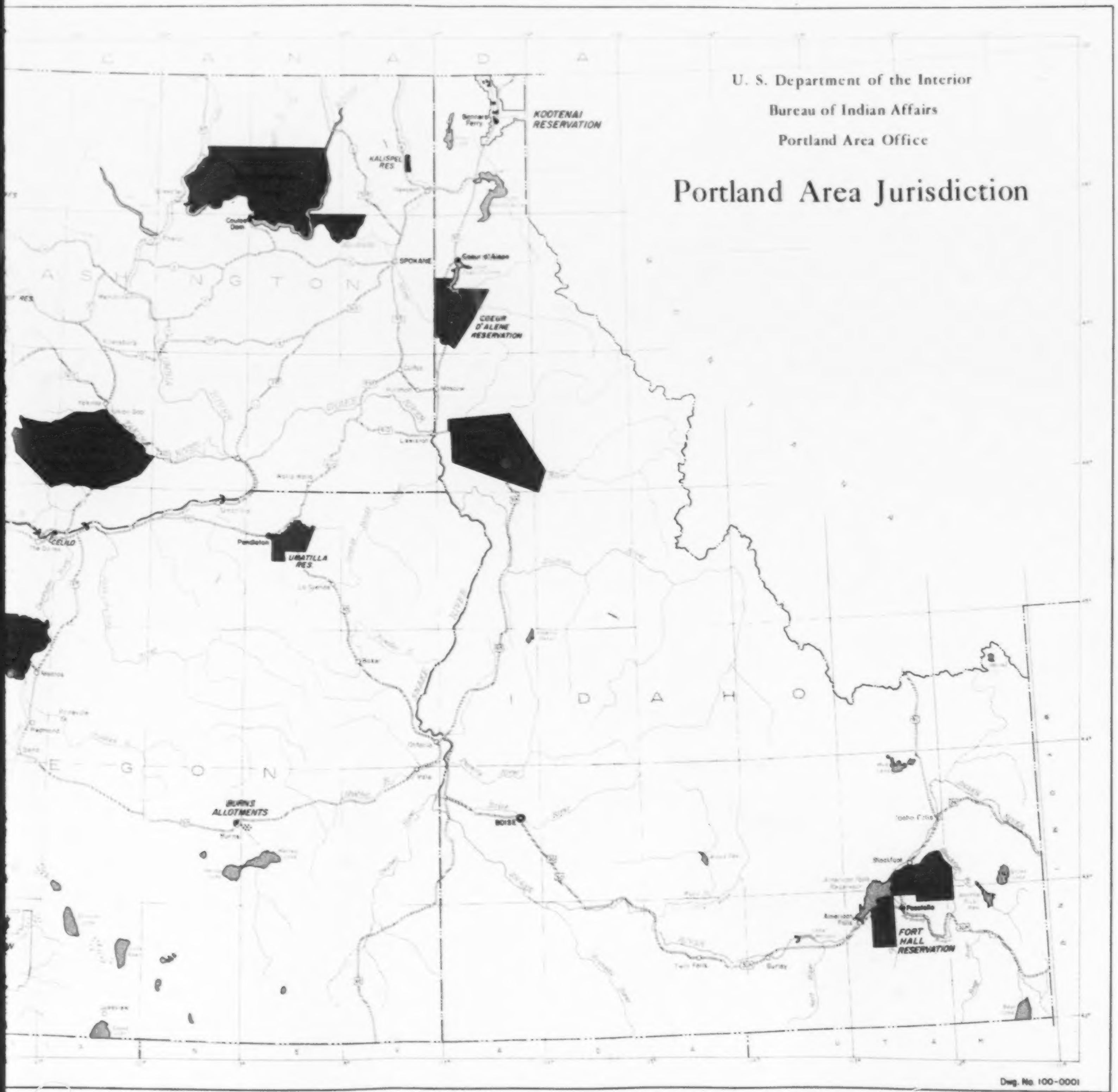


LANGUAGE FAMILIES OF THE COAST AND PLATEAU TRIBES OF WASHINGTON

SEMIAHMOO
LUMMI
NOOKSAK
THOMPSON
SAMISH
SWALLAH
SWINOMISH
SKAGIT
MAKAH
OZETTE
KLALLAM
QUILEUTE
HOH
QUEETS
QUINAULT
COPALIS
HUMPTULIPS
WYNOOCHE
SATSOP
TWANA-SKOKOMISH
CHEMAKUM
STILLAGUAMISH
SNOHOMISH
SKYKOMISH
SUQUAMISH
DUWAMISH
SNUQUALMI
MUCKLESHOOT
PUYALLUP
NISQUALLY
LOWER CHEHALIS
UPPER CHEHALIS
KWALHIOKWA
CHINOOK
KATHLAMET
COWLITZ
MESHAL
TAIDHAPAM
KLIKITAT
CLACKAMAS
CASCADES
WHITE SALMON
WISHRAM
WAYAMPAM
Columbia River
YAKIMA
KITTITAS
WENATCHI
ENTIAT
CHELAN
METHOW
SOUTHERN OKANOGAN
NESPELIM
SANPOIL
LAKES
COLVILLE
KALISPEL
COLUMBIA
SPOKANE
COEUR D'ALENE
WANAPAM
PALUS
WALLA WALLA
CAYUSE
NEZ PERCE
Athabascan
Chemakuan
Salishan
Wakashan
Chinook
Molale - Cayuse
PENUTIAN
Sahaptin
Dividing line between Coast tribes in the West and Plateau tribes in the East

Modified from: "Indian Tribes and Languages of the Old Oregon Country", Oregon Historical Society, Portland, Oregon (1958).


U. S. Department of
Bureau of Indian
Portland Area
Portland Area J
C A N A D A
PACIFIC OCEAN
W A S H I N G T O N
O R E G O N
I D A H O
VANCOUVER ISLAND
STRAIT OF JUAN DE FUCA
LUMMI RES.
SWINOMISH RES.
TULALIP RES.
EVERETT
MAKAH RES.
OZETTE RES.
LOWER ELWHA RES.
QUILLAYUTE RES.
HOH RES.
PORT GAMBLE RES.
PORT MADISON RES.
SEATTLE
QUINAULT RES.
SKOKOMISH RES.
SQUAXON ISL. RES.
MUCKLESHOOT RES.
PUYALLUP RES.
TACOMA
OLYMPIA
NISQUALLY RES.
SHOALWATER RES.
CHEHALIS RES.
KALISPEL RES.
KOOTENAI RESERVATION
SPOKANE
COEUR D'ALENE RESERVATION
PORTLAND AREA OFFICE
CELILO
UMATILLA RES.
Pendleton
CHEMAWA INDIAN SCHOOL
SALEM
GRAND RONDE-SILETZ RES. Terminated 1956
BURNS ALLOTMENTS
BOISE
KLAMATH RESERVATION Terminated 1961
COLUMBIA
RIVER
SNAKE RIVER
C A L I F O R N I A
N E V A D A



U. S. Department of the Interior

Bureau of Indian Affairs

Portland Area Office

Portland Area Jurisdiction

C A N A D A
KOOTENAI RESERVATION
Bonners Ferry
KALISPEL RES.
Coulee Dam
SPOKANE
Coeur d'Alene
COEUR D'ALENE RESERVATION
W A S H I N G T O N
Yakima
Lewiston
Moscow
Colfax
Walla Walla
CELILO
The Dalles
Pendleton
UMATILLA RES.
La Grande
Baker
Madras
Redmond
Bend
O R E G O N
BURNS ALLOTMENTS
Burns
Ontario
BOISE
I D A H O
Idaho Falls
Blackfoot
American Falls
Pocatello
FORT HALL RESERVATION
Twin Falls
Burley
N E V A D A
U T A H

Dwg. No. 100-0001